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ABSTRACT

The review synthesizes all available material on the issues and recommended and/or implemented solutions; and describes the historical and current development of the service delivery system, relevant cultural factors bearing on policies and procedures, specific issues and problems with various aspects of the system, and recent innovative approaches. The materials, written or published since 1950, include Federal and state legislation and regulations, Congressional hearings, speeches, research studies, demonstration project reports, project proposals, statistical reports, and the Child Welfare League of America published standards. These materials discuss the: history of Federal policy toward Indians; historical development of the provision of human services for Indians by the Federal and state governments, private agencies, and tribes; social and child welfare services delivery systems to Indians; cultural and historical factors bearing on Indian child welfare; legal/jurisdictional problems in the delivery of child welfare services to Indians on reservations; appropriateness of services currently being delivered in light of participation in planning for and delivery of social services; services to urban Indians; provision of preventive, supplementary, and substitute services to Indian children and their families; and innovative programs and approaches. (NQ)

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INDIAN CHILD WELFARE:
A REVIEW OF THE LITERATURE

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Ellen L. Slaughter
Research Social Scientist

Center for Social Research and Development
Denver Research Institute/University of Denver
2142 South High Street
Denver, Colorado 80210
303/753-3464

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PREFACE AND ACKNOWLEDGMENTS

This review of the literature on Indian child welfare was undertaken as part of a study of existing child welfare services for Indians. In addition to the review of the literature, the study entails field surveys on twelve reservations and in four urban areas; household surveys on one reservation and in one urban area; and surveys of graduate schools of social work and their American Indian faculty, students, and graduates.

As the published literature on the topic of Indian child welfare is limited, permission was obtained from the funding agency to review unpublished materials. Those reviewed included Bureau of Indian Affairs and Department of Health, Education, and Welfare research and evaluation reports, memoranda, minutes of meetings, and project proposals; testimony presented at Senate hearings; and papers and speeches by Indian organizations and organizations concerned with Indian problems.

In addition to items located through library searches, materials were collected on personal visits to agencies in Washington and New York by DeWitt John, Project Manager, and in Albuquerque by the author. Gratitude is expressed to those agency personnel who gave generously of their time and provided copies of relevant items. Materials were also obtained from the Resource Materials Center of the Center for Social Research and Development, which conducted a recent study focusing on legal and jurisdictional issues in the provision of child welfare services to Indians. Members of the project staff loaned items from their personal collections.

The invaluable aid of project staff members who gave suggestions for topics to be covered and who carefully reviewed and commented on the first draft of the report is gratefully acknowledged. They include John Compton, Tillie Walker, DeWitt John, Janet Derr, Edward Baumheier, and Duane Birdbear. Karen Sackett spent many hours conducting computerized bibliography and library searches and locating needed published materials. Mary Ann Jones aided in reviewing some of the materials. Cynthia Whiteneck and Lawrence Burton edited the manuscript and Joyce Compton supervised its production.

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INDIAN CHILD WELFARE:
A REVIEW OF THE LITERATURE

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CHAPTER 1

INTRODUCTION

Statement of Purpose

This review of the literature on child welfare services for Indians is part of a project funded by the Office of Child Development, Department of Health, Education, and Welfare (DHEW). The project, conducted by the Center for Social Research and Development (CSRD), Denver Research Institute, University of Denver, includes several components in addition to the review of the literature. One of these is a mail survey of area offices of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS), BIA boarding schools, Indian child welfare organizations, national Indian organizations and intertribal councils, and state and private agencies and selected Indian tribes in the twenty-one states with the largest Indian populations. Field research will be conducted at ten reservations and seven nonreservation sites, and a sample of Indian households on one reservation and at one nonreservation site will be surveyed. There will also be a mail survey of graduate schools of social work and their Indian faculty, students, and recent graduates.

Two underlying issues have come to the forefront of concern in the area of the provision of child welfare services to American Indians. The first of these is the problem of gaps in the Indian child welfare services system due to lack of funding and to unclear areas of responsibility among the confusing array of service providers in this area--federal (BIA and IHS), state social services departments, private agencies, and the tribes themselves. The second underlying problem is the appropriateness of traditional, Anglo-American child welfare policies and principles as applied to services for a minority population with different cultural traditions and values. Finally, intertwined with both of these issues is the limited participation which Indian people have had in the planning and delivery of these services.

The purpose of this review of the literature on the provision of child welfare services to American Indians is to draw together and synthesize all available material on the issues and on solutions that have been recommended and/or implemented. It will also provide a background for discussion of these topics in the final project report based on the survey and field research results.

The review will describe the historical and current development of the service delivery system, relevant cultural factors bearing on policies and procedures, specific issues and problems with various aspects of the system, and recent innovative approaches. Where the available literature makes it possible, policy and program development implications will be drawn. However, the field study which comprises the major portion of this research project is expected to be the primary source of policy and program recommendations as it will provide comprehensive coverage of child welfare services and will be based on scientific survey procedures.

Scope of the Review

The parameters of child welfare services used for this review, as well as for the field study, are those used by DHEW, the Child Welfare League of America, and a major anthology in the field (Kadushin, 1970, p. viii). Child welfare services, as defined by the Office of Child Development, DHEW, are divided into three functional areas:

1. Prevention--services for the child and family to prevent the necessity for placement of the child. Generally, this is done under the auspices of a child welfare agency and overlaps with the services provided by mental health centers, child guidance clinics, and family agencies.

2. Supplementation--services which provide supplementary care for the child, such as homemaker [services] and day care. These services relieve the parental persons of full child caring functions but do not substitute for the parent(s).

3. Substitution--services which provide 24-hour care of the child in lieu of parental supervision. These generally include foster family home care, institutional care, temporary shelters, foster group homes, half-way houses, adoption, and independent living arrangements away from the nuclear family (Request for Proposal, RFP-86-75-HEW-OS, issued 25 March 1975).

In addition to these traditional child welfare institutions, a category of institutional care that has special relevance to American Indian children has been included--that of boarding schools. The reason for this addition is that a large percentage of children are placed in boarding schools for 'social reasons" rather than for educational reasons.*

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*These will be further discussed in a later section of the paper.

The types of materials reviewed for this report include federal legislation and regulations, legislation and regulations from some states, Congressional hearings, speeches, research studies, reports of demonstration projects, project proposals, statistical reports, and published standards of the Child Welfare League of America. A few legal opinions and law review articles are also included, but the basic sources for legal issues are the reports of a previous study conducted by the Center for Social Research and Development (1975a, 1975b).

Some limitations on the materials used should be noted. First, a number of sources used are not "published" literature and are not reports of scientifically conducted research. Some of the materials consist of statements based on personal experiences which may represent extreme cases and which may not be true of the entire field. Another limitation is that recent changes in service structures or procedures may not have been documented yet in published works, and unpublished materials on them may not have been acquired by project staff.

Methodology

Materials were obtained from searches of the professional literature conducted at libraries, including searches of computerized indexing and abstracting systems, and from visits to staff at a number of government and private agencies. Materials used were limited to those written or published since 1950, with only a few exceptions.

The libraries whose holdings were searched included the University of Denver and University of Colorado libraries, the Denver Public Library, the National Indian Law Library (at the Native American Rights Fund [NARF] in Boulder, Colorado), the University of Colorado Medical Center Library in Denver, and the American Indian collection at the University of New Mexico Law School in Albuquerque.

Computer searches included ERIC (Educational Resources Information Center), which includes approximately 650 journals and research reports in the field of education since 1966; PSYCHAB, which includes the Psychological Abstracts data base of approximately 900 journals since 1967; NTIS, which covers government reports from the National Technical Information Services since 1970; and NCMHI (National Clearinghouse for Mental Health Information, National Institute of Mental Health, DHEW). Indexes searched manually included Child Development Abstracts and Bibliography, which includes approximately 125 journals since 1950; the American Indian Index from 1953 to 1958; Comprehensive Dissertation Index (1950-1972); and Dissertation Abstracts International (1972-present).

Several published bibliographies were also used, including one produced by the Council on Social Work Education (Brennan, 1972), one compiled by The Library, Department of Housing and Urban Development (1975), a selected reading list on adoption prepared under the auspices of the Children's Bureau, DHEW (Foster, 1975), the publications list of the Child Welfare League of America (1975), an Indian adoption bibliography available from the Council on Adoptable Children (n.d.), a list of audiovisual materials from Lutheran Social Services of South Dakota, and an annotated bibliography on ethnicity and child welfare (Jenkins and Morrison, 1974). Bibliographic citations contained in reports collected for the literature review were also searched for pertinent references.

In order to gather unpublished materials (such as project reports, evaluation reports, project proposals, memoranda, and so on), a large number of agencies were contacted personally. Over fifty persons familiar with Indian child welfare matters and related subjects were personally visited by Denver project staff during trips to Washington, D.C., New York City, and Albuquerque, N.M. In addition, another thirty persons were contacted by telephone. These personal contacts were often very fruitful in locating unpublished materials which were not mentioned in any of the literature searches. As many documents about particular projects were available from federal offices in Washington, direct contact with projects was not always necessary. The federal agencies contacted are listed below:

Department of Health, Education, and Welfare (DHEW)
- Office of the Regional Director, Region V
- Office of Human Development (OHD)
  - Office of Youth Development (OYD)
  - Office of Native American Programs (ONAP)
    - Assistant to the Executive Director
    - Division of Planning and Research
    - Project Officers
    - Region V Office
  - Office of Child Development (OCD)
    - Child Development Services Bureau
      - Indian and Migrant Program Division
        - Child Abuse Specialist
        - Project Officers
    - Children's Bureau
      - National Center for Child Advocacy
        - Division of Vulnerable Children
        - 4-C Division
        - Residential Services Specialist
        - Foster Care Specialist
        - Adoption Specialist
      - Division of Research and Evaluation
      - National Center on Child Abuse and Neglect
    - Region VIII OCD Office

Social and Rehabilitation Service (SRS)
Assistance Payments Administration (APA)
Division of Program Payments Standards
Community Services Administration (CSA)
Office of Research and Demonstration (ORD)
Region VIII SRS Office
Public Health Service (PHS)
Indian Health Service (IHS)
Office of the Director
Office of Professional Standards and Evaluation
Social Services Branch
Division of Program Formulation
Office of Education (OE)
Office of Indian Education
Bureau of Education of the Handicapped

Department of the Interior
Bureau of Indian Affairs
Assistant Commissioner for Community Services
Child Welfare Consultant
Division of Indian Education
Indian Education Resources Center

Other organizations contacted included:

U.S. Congress, Senate Committee on Interior and Insular Affairs
Library of Congress, Congressional Information Service, Education and Public Welfare Division
Child Welfare League of America, Inc. (CWLA)
Council on Social Work Education
Columbia University School of Social Work--Interracial Adoptions Project
Indian Education Research Center of New York
Association on American Indian Affairs (AAIA)
University of Arizona
Technical Assistance Development Service, Inc.
Project Palatisha, Yakima Nation
Cherokee Foster Parents Association
Church of Jesus Christ of Latter-Day Saints, Personal Welfare Service
Lutheran Social Services of South Dakota
South Dakota Department of Social Services, Office of Children and Youth
Alaska Department of Social Services
Alaskan Federation of Natives
Native American Rights Fund
Coalition of Eastern Native Americans
American Indian Law Center, University of New Mexico
Bank Street College--Project on Indian need for early childhood education
National Center for Child Abuse

CHAPTER 2

HISTORICAL DEVELOPMENT AND CURRENT STRUCTURE OF THE SERVICE SYSTEMS

This chapter presents a brief history of federal policy toward Indians, followed by a description of the historical development of the provision of human services for Indians by the federal government, state governments, private agencies, and tribes. These histories are included in this review of the literature because they are considered necessary for a more complete understanding of the problems and issues surrounding the current system of child welfare services for Indian people.

History of Federal Policy Toward Indians Through 1970

A number of reference sources are available on this topic which report the history in far greater detail than will be presented in this review (Tyler, 1973; Spicer, n.d.; BIA, n.d.; Cingolian, 1973; Cohen and Mause, 1968; Schifter, 1970; CSRD, 1975b; Bloodworth, 1960; U.S. Congress, Senate, Committee on Labor and Public Welfare, Special Subcommittee on Indian Education, 1969 [hereafter referred to as the Kennedy report]; T. Taylor, 1972; Fitzgerald, 1970).* As the historical occurrences reported by these sources are the same (although interpretations may differ), specific citations will not be given.

Colonial Period. In the early colonial period, the tribes were treated as sovereign nations by the colonists of the several European nations who settled in North America. Just prior to the Revolutionary War, the British under King George III developed a unified policy toward Indians for the English colonies which reserved to the Indians all lands not already purchased by the colonists. The Continental Congress in 1775 named a Committee on Indian Affairs which had as a major purpose preventing Indians from taking part in the hostilities between the British and the American revolutionary government.

Early Period of American Government. After the war, Congress placed the administration of Indian affairs under the War Department. Policy at that time still maintained that Indian land should not be taken without their consent. The United

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*As the history of federal policy is not the major focus of the review, there may well be other references not obtained.

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States Constitution reserved the responsibility for dealing with Indian tribes solely to the federal government under the clause in Article I which regulates commerce with Indian tribes and under the clause in Article II which concerns treaty making. During the first fifty years, most laws regarding Indians were trade regulations. In 1824, the Secretary of War established the Bureau of Indian Affairs to coordinate all activities relating to Indians; the bureau was given Congressional authorization in 1932.

Removal Policy. Made possible by the Louisiana Purchase, a policy of forced migration began unofficially in the early 1800s and was legislated by the Indian Removal Act of 1830 which established procedures for ceding land west of the Mississippi to tribes residing in the eastern part of the country. Although the intention was that this would be done voluntarily by means of treaties, military force was in fact often used. There was great debate over this policy, with some believing that it would enable the Indians to preserve their cultures by being removed from European influence, and others believing that it was in fact destroying the eastern Indian cultures.

In the 1840s, some officials began to advocate placing the Bureau of Indian Affairs under civilian control, as efforts to "civilize" the tribes were seen to be incongruent with the military activities of the War Department. In 1849 when the Department of the Interior was established, the Bureau of Indian Affairs was transferred to the new department.

Reservation Policy. As the white population continued to move west through and beyond "Indian Country" (the area of the Louisiana Purchase) the Plains Indians resisted the encroachment. In the mid-1850s, California began to experiment with concentrating the Indians on reservations and the program spread to other areas. Again, the instrument of the treaty was used, and by 1868 the last of approximately 370 treaties limiting tribes to specific reservation areas were concluded. Removal to reservations was physically resisted by some tribes for twenty years afterward, with the Battle of Wounded Knee in 1890 marking the end of this period, although passive resistance has continued into this century.

Under the reservation system, existing forms of tribal government were undermined, and cultural traditions and practices forbidden. Indians were considered "wards" of the government and were sometimes cared for under treaty provisions, although many services promised in treaties were not provided. Federally-appointed Indian agents had extensive powers over many aspects of Indian life.

Land Allotment Period. Beginning with the Allotment Act of 1887, and continuing into the 1930s, a policy of allotting specific parcels of land to individual Indians was maintained. The stated purpose of this policy was to provide individual families with land on which to support themselves, since the hunting grounds on which they originally subsisted had been destroyed. However, the land was usually poor, and the nomadic tribes were not trained in the techniques of agriculture or provided with agricultural tools, as promised in treaties. In practice, this policy reduced Indian land holdings by two-thirds (from 1886 to 1934) because many Indians sold their allotments to non-Indians and because reservation lands not allotted to individuals were sometimes declared "surplus" and opened to settlement by non-Indians.

The 1920s. Two events occurred in this period which brought changes in the status of American Indians. In 1924, the Indian Citizenship Act was passed, granting citizenship to all Indians who had not previously achieved it. This decision was based in part on a desire to stop providing for Indians who were less than half-blood and who were considered "competent" to survive in Anglo society, and in part upon the grounds of promoting assimilation.

The second event of this period was the Meriam Report, produced in 1928 by the Institute of Government Research (the Brookings Institute). This report, which is cited throughout the literature, documented problems on the reservations and made recommendations for their improvement. While a number of the reforms recommended were not carried out for many years, it was considered "a document that all who were interested in the Indian were able to rally behind" (Tylor, 1973, p. 116).

Indian Reorganization Act of 1934. This act, also known as the Wheeler-Howard Act, was the major Congressional response to the Meriam report. The act ended the allotment of lands to individuals and the unrestricted sale of Indian lands and provided for the acquisition of additional lands by tribes. It also provided for individual tribes to establish their own formal governments (many tribes already had governing systems which were not officially recognized by the federal government). The decision of whether or not to accept the legislation was left to the individual tribes; over three-fourths of the tribes did choose to begin governing themselves according to the provisions of the act. While this was a radical change in federal policy, it floundered in ensuing years due to the haste with which it was carried out and the fact that tribes were forced to govern themselves by voting rather than by consensus which was their traditional form of government.

Although this policy is now frequently viewed as a reversal of previous assimilation policy, at the time it was viewed as contributing to eventual assimilation by allowing Indian communities to become competitive with non-Indian communities.

In 1946, the Indian Claims Commission was established to enable Indians to file suit against the government for lands which were illegally taken from them, or not compensated for if legally taken. Again, it was thought that the resulting payments would result in assimilation by providing tribes with enough money to support themselves.

Relocation. During World War II, over 65,000 Indian men and women left the reservations to enter the military or work in defense industries. This resulted in changed life experiences for those Indians who for the first time worked side-by-side with the non-Indian population and used human services not provided by the BIA. As employment prospects dwindled after the war, the BIA began to provide job placement services for Indians in urban areas. Public Law 959 was passed in 1956 to help by providing on-the-job training, vocational training, and job placement in urban areas. The net result of the relocation program over the years is shown by the 1970 Census, which reports that more Indians now live in off-reservation areas than on reservations--of 763,594 Indians counted by the 1970 census, only 213,770 were found to be "living on identified reservations" (U.S. Bureau of the Census, 1973, p. 188).

Termination. In 1947, federal officials began to formulate a termination policy in which federal responsibility for tribal welfare was to cease. Criteria were developed to be applied on a tribe-by-tribe basis, including degree of acculturation, level of economic development, consent of the tribe, and willingness of the states to assume certain responsibilities. In fact, however, these and criteria proposed at other times were not followed consistently.

1953 saw the passage of Congressional legislation to begin the termination process, House Concurrent Resolution 108, which named specific tribes to be terminated "at the earliest possible time." In 1954 hearings were begun on the status of a number of tribes, and opposition to the termination policy by Indian groups also grew during that year. The reason for the opposition to termination was that it destroyed the unique relationships between the tribes and the federal government and ended the unique responsibilities of the federal government to the tribes which had been promised in treaties. In spite of opposition, a number of tribes were terminated, including the Menominee, Klamath, and Paiute tribes and all tribes in Texas. The termination policy had a disastrous effect on tribal community development initiatives, as the tribes which were believed to be most self-sufficient were those most likely to be terminated.

While action on termination slowed considerably in the late 1950s, moves by the BIA to shift some of its responsibilities to other federal agencies and to the states were viewed by Indian people with suspicion as attempts at "piecemeal" termination. These moves included the transfer of the Indian Health Service to the Department of Health, Education, and Welfare (1955); Public Law 959 (1956), which provided relocation employment services; and Public Law 280 (1953), which made it possible for states to obtain civil and criminal jurisdiction over reservation residents. Few federal Indian policies of this century have elicited stronger negative responses from Indians than P.L. 280 and the termination acts. Repeal of P.L. 280 is still one of the highest priorities of the National Congress of American Indians and other Indian groups. A recent study by the National American Indian Court Judges Association documents the deleterious effects of P.L. 280 on tribes and tribal law and order services (National American Indian Court Judges Association, 1974a).

In the 1960s Indian groups became more organized and outspoken in demanding their legal rights. Some response was made by the executive branch and Congress; for example, repeal of the 1953 provision that states could take over legal jurisdiction without tribal consent in 1968, and a 1968 speech by President Johnson suggesting that termination should be replaced by "self-determination."

Self-determination. On 8 July 1970, in a message to Congress, President Nixon stated that the termination policy was a violation of treaty commitments and asked for a repeal of H.C.R. 108. He also called for self-determination for Indian people and for Indian communities to take over control of federally-funded programs as they chose to do so. He further directed the Office of Economic Opportunity and the Department of Health, Education, and Welfare to help Indian leaders develop Indian centers in urban areas, where the BIA does not provide services.

The policy of self-determination for Indian people is now the existing federal policy, and has begun to be implemented in the years following President Nixon's message to Congress. Several pieces of legislation have aided in the process. These include the Indian Education Act of 1972 (Title IV of P.L. 92-318) which requires Indian input into the planning of all programs funded under the act; and the Indian Self-Determination and Education Assistance Act (P.L. 93-638), enacted 4 January 1975, which directs the Department of the Interior and the Department of Health, Education, and Welfare to contract with tribal organizations to plan, conduct, and administer programs provided for in the 1921 Snyder Act, the 1934 Indian Reorganization Act, and the 1954 act transferring federal responsibility for health services from the BIA to DHEW.

Summary. It is clear that federal policy has always been made for Indians without substantial input by Indians. Whether one accepts the argument that federal policy has vacillated between separationist and assimilationist, or the argument that assimilationist goals have been the basis of all federal policies toward Indians, Indians themselves have not been consulted in the formation of policy and in fact have usually resisted by whatever means they could. Recent affirmations of self-determination for Indian peoples thus represent the first major change in federal policy from its inception. Whether this policy will be further pursued, and its long-range effects upon the Indian people remain to be seen. However, as will be noted throughout the remainder of the report, some programs for Indians are beginning to be given over to the control of Indians themselves (although, as with most allocations of federal monies, there are limitations to local control).

The human services which have been provided for Indians (primarily by the BIA) should be viewed as part of this overall policy orientation. Many of the problems with those services, particularly social services and child welfare services, stem in large part from the fact that Anglo society has planned for and cared for the Indian people with insufficient consideration of cultural differences and without accepting Indian viewpoints as valid.

History of Federal Human Services for Indians

The services to be covered in this section include education, health, and social services. As the main emphasis of this project is on child welfare services, the abbreviated histories of education and health services are presented primarily for their contextual importance (for example, BIA social workers were first employed in the Division of Education).

Education.* As the Kennedy report notes, "From the first contact with the Indian, the school and classroom have been a primary tool of assimilation" (p. 9). The earliest educational efforts were those of missionaries of various religious groups, whose major purposes were to convert and to "civilize" the Indians.

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*Sources used for this brief history include U.S. Congress, Senate, Committee on Labor and Public Welfare, Special Subcommittee on Indian Education (1969, hereafter referred to as the Kennedy report); Szasz (1974); Fuchs and Havighurst (1973); Berry (1969); Thompson, (1957); and Native American Educational Research Program (1975).

During the treaty period, provisions for education of Indians in exchange for Indian lands were common. Congress first appropriated funds for such services in 1802, and passed an act in 1819 which provided an annual appropriation for the education of Indians (to be carried out by various societies and religious organizations). The major purpose of the government was to convert Indians from hunters to farmers, so that they would require less land.

The system of boarding schools was begun during the allotment period, and was developed by the BIA due to public opposition to federal support of sectarian schools. As the experiment of placing Indian children at Hampton Institute in Virginia (originally established for blacks) was deemed a success, the first Indian boarding school (Carlisle) was established in 1879. These schools, usually housed in old army barracks, were avowedly assimilationist. Children were removed long distances from their homes; native languages and practices were forbidden at the schools; and strict military discipline, including the wearing of military-type uniforms, was the rule. Many families resisted sending their children away, and Congress responded by authorizing the withholding of food and clothing rations from them, in violation of treaty provisions. Boarding schools have continued to function until the present time, with some minor policy changes occurring as a result of the 1928 Meriam report which was highly critical of boarding schools. As children are often placed in boarding schools for "social reasons" such as inability of their parents to care for them or a history of juvenile offenses, they are viewed by this project as a part of child welfare services, and are further discussed in chapter 5.

In the late 1800s, attendance of Indians in public schools began to be encouraged and federal contracts were signed with a number of states to educate Indian students. The 1934 Johnson-O'Malley Act provided for partial reimbursement to states for Indian children educated in public schools.

In the 1930s, the BIA, under pressure resulting from the Meriam report, also began to establish day schools on the reservations to allow Indian children to live at home and attend school rather than being sent to boarding schools. In the twelve-year period during which John Collier was Commissioner of Indian Affairs (1933-1945), sixteen boarding schools were closed and eighty-four day schools were opened. Collier also started programs in bilingual education and the training of Indian teachers and promoted the teaching of Indian arts and crafts in Indian schools (although sometimes by non-Indian teachers).

During the termination period of the 1950s, this trend toward Indian-oriented education was reversed. Federal Indian schools were closed in six states, and Indian students in those states were placed in public schools.

In the 1960s, several programs were initiated which gave Indians some control over education of their own children. These included Head Start, Upward Bound, Job Corps, Community Action Programs, and the Rough Rock Demonstration School on the Navajo Reservation. The Rough Rock School, established in 1966, is run by an all-Navajo School Board.

The Elementary and Secondary Education Act (ESEA) of 1965, aimed at improving education for disadvantaged children, has funded a number of programs for Indian children, including innovative teaching, dropout prevention, and bilingual education programs.

In 1966, a recommendation to transfer Indian education programs from the BIA to the Department of Health, Education, and Welfare was strongly resisted by Indian groups as another step in the direction of termination. A study of the recommendation by the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate (1967) did not support the recommendation although it favored better coordination between the two departments.

In 1972 the Indian Education Act (Title IV, P.L. 92-318) was passed. A major purpose was the coordination of Johnson-O'Malley funds, impact aid funds, and ESEA funds for Indian students under the Office of Education (OE), DHEW. The act requires that Indians must play a substantial role in planning for and carrying out educational programs funded under the act.

The Office of Education reports that in the first year of the program Indian parents and community leaders in 435 local school jurisdictions were involved in forming local project plans (DHEW, OE, Office of Indian Education, 1974).* In the second year, the number of program applications doubled and approximately two-thirds of the Indian children in public schools were receiving services under the Indian Education Act (DHEW, OE, 1975). However, the 1975 report of the National Advisory Council on Indian Education mandated by the act to participate in and monitor the passing of control to Indians, states: "The will of Congress is still being ignored by too many of the Federal officials responsible for this policy" (p. 3).

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*DHEW publications are listed in the bibliography under U.S. Department of Health, Education, and Welfare

In summary, as Fuchs and Havighurst write, "With minor exceptions the history of Indian education had been primarily the transmission of white American education, little altered, to the Indian child as a one-way process" (1973, p. 19). The results of this and other federal assimilationist actions are the current problems of Indian education reported by many authors. These include high drop-out rates, low achievement scores, low grade-point averages, and high absenteeism all attributed to alienation, low self-esteem, and lack of motivation fostered by white-oriented school systems (Bryde, 1965; Butler, 1973; Gardner, 1972; Hendra, 1971; Belindo, 1969; Cavenaugh, 1974; Spilka, 1970; and Larsh, 1973). It is toward these and other problems that the new self-controlled Indian education programs are directed. Again, success will only be determined in the future.

Health.* Before the BIA was transferred from military to civilian control, the only health care provided to Indians by the federal government was that provided by military physicians at forts. After the transfer, there was still little progress, with only one doctor to every two BIA agency (local) offices in the later part of the nineteenth century.

The first appropriations to the BIA specifically for health services were made in 1911, and the Snyder Act of 1921 provided the first legislative authorization for Indian health care to be provided by the BIA. For the next several decades health services improved somewhat, but were hindered by inadequate facilities and personnel.

In the 1940s several studies were completed which demonstrated the magnitude of health problems among Indians. In 1954, hearings were held on transferring the responsibility to the Department of Health, Education, and Welfare, and in 1955 this was accomplished with the establishment of the Division of Indian Health within the Public Health Service (PHS). In 1968 this division was given its present title, the Indian Health Service.

Because Indians have sometimes been denied access to local, state, or federal health services in violation of the Civil Rights Act of 1964, and are referred instead to IHS facilities which may be less conveniently located, on 17 December 1974 a

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*The primary source for this brief history is the supplemental material contained in the report of the Committee on Interior and Insular Affairs, U.S. Senate, on the Indian Health Care Improvement Act (13 May 1975).

Memorandum of Agreement was drawn up by IHS, SRS, and the Office for Civil Rights, all of which are part of DHEW. The memorandum specifies that Indians are entitled to equal access to all government programs to which other citizens are entitled, and that IHS services should be residual rather than primary resources ("Memorandum of Agreement," 1974).

With regard to the control of health services by Indian people, a statement by the director of the IHS noted, "Many Indian groups want to assume control of, and develop health institutions," and "an increasing number of tribal and inter-tribal groups have requested technical assistance from the Indian Health Service in developing their health program management capacities" (DHEW, Health Services Administration [HSA], n.d.). The Navajo Tribe, for example, is planning to establish a medical school for Indians in cooperation with one or two medical schools. Indian paraprofessionals are being used by the IHS in maternal and child health activities (DHEW, HSA, n.d.; DHEW, PHS, 1973), and in remote areas such as parts of Alaska to provide health services via telephone communication with the nearest hospital (Harrison, 1965). Over fifty percent of IHS employees are of Indian descent, but most of them are in the lowest GS levels: "only 4.6 percent were at the GS 13-15 or equivalent commissioned officer level" as of April 1973 (U.S. Congress, Senate, 13 May 1975, p. 29).

The Indian Health Care Improvement Act, which passed the Senate on 16 May 1975 and is now before the House, makes provision for contracts to be made with Indian organizations for recruitment of persons interested in health careers and for improving access of urban Indians to health services. A statement by the director of the IHS confirms a "commitment to both the maintenance of high quality health services and the idea and practice of self-determination" (DHEW, HSA, n.d.).

A mental health program for Indians was established by Congress in 1966. However, due to low funding levels, only a few services have been provided, including psychotherapy in native languages and consultation with school children and alcoholics. The Indian Health Care Improvement Act of 1975 contains provisions to establish six major mental health programs, including support of community mental health centers, Indian-oriented inpatient services, a model dormitory mental health services program building on the pilot project at Toyei (Navajo), establishment of residential treatment centers for Indian children, and training of traditional Indian practitioners in mental health.

The IHS employs social workers in a number of locations, but statistics on this service are difficult to obtain. The report accompanying the Indian Health Care Improvement Act states that seven Indian social workers are employed by the IHS; no comparable data for non-Indians were provided to the committee by the IHS (U.S. Congress, Senate, 13 May 1975, P. 28).

Social Services.* According to Bloodworth, the first recognition of the lack of a unified program for Indian families is found in the 1928 Meriam report. In 1930 the Commissioner of Indian Affairs reorganized the Bureau of Indian Affairs, dividing it into "Human Relations" and "Property." "Human Relations" included Health, Education, Agricultural Extension, and Industry. In 1931, the first school social workers were assigned under the BIA Division of Education during the curtailment of boarding schools, for the purpose of assisting in the adjustment of children in their own homes and in determining which children should be admitted to the remaining boarding schools.

By 1936, there were thirty social workers under the Division of Education, of whom ten were Indians. Their scope of work had expanded to include child welfare services such as finding foster homes to replace the boarding school care formerly provided. Although work-relief programs for Indians existed at this time, the social workers were not used for determining eligibility.

In 1941, the BIA Division of Welfare was formed and the social workers were transferred to this division from Education. Ever since the treaties of the late 1800s, the federal government had been providing food and clothing to Indians through a system of rations. In 1944, cash payments became the main source of assistance, although rations continued to be given until the U.S. Department of Agriculture food stamp program was established. The BIA social workers were involved in determining eligibility for assistance to the extent that by 1946 many BIA social workers saw this as their sole or primary function.

In 1950 the BIA established area offices, each of which supervises a number of local BIA agencies. Area social work positions were included when the new area offices were funded. The first

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*The primary source for this history up to 1960 is a paper by Jessie A. Bloodworth, BIA, Branch of Welfare, "Background of the Welfare Program in the Indian Service," 1960.

area office child welfare positions were added in 1951, with two child welfare specialists hired at the central office in 1952. This year also saw the publication of the first welfare manual and the first annual review of placements to boarding schools for other than educational reasons. During the 1950s, foster homes began to be used more extensively than before as an alternative to boarding school placements.

In the late 1950s, BIA social workers became concerned about the number of Indian children in long-term foster care or boarding school placements. Adoptive homes did not appear to the social workers to be available for these children. The result of the recognition of this problem was the establishment of the joint adoption project of the BIA with the Child Welfare League of America (CWLA) in 1958 (see later discussion in chapter 5). Many tribes opposed this project, which placed Indian children in non-Indian homes often hundreds of miles from their native reservations (Fanshel, 1972).

In 1962 the first study of all children under BIA foster care was conducted; it was replicated a decade later (BIA, 1965 and 1975). Family planning first became a part of BIA services to Indians in 1965 (Tyler, 1973). During the latter part of the 1960s, the coordination of BIA programs with those of other agencies, particularly DHEW, was a major emphasis. This included, for example, participation in the Community Coordinated Child Care (4-C) Program and membership on the Interdepartmental Committee on Children and Youth (BIA, 1970a).

History of State Policies and State Social Services for Indians*

As stated previously, for most of the history of the United States, Indian tribes have been dealt with directly by the federal government. This relationship is less clear, however, for Indians who are not members of federally-recognized tribes (tribes which were absorbed or never had a treaty) and/or do not reside on trust lands. In fact, the federal government has fairly consistently denied any responsibilities for Indians in those two categories. A report by the Maine Advisory Committee to the U.S. Commission on Civil Rights (1974) details the struggle of four Maine Indian tribes which do not have treaties to obtain federal recognition and thus gain access to services they have been denied.

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*The primary source used for this section is The States and Their Indian Citizens by Theodore W. Taylor (Washington, D.C.: Government Printing Office, 1972).

The Allotment Act of 1887 conferred citizenship on Indians who received allotments, and they simultaneously became citizens of their state or territory of residence. Under the 1924 act granting citizenship to all Indians, they automatically became citizens of the state of their residence and theoretically gained all rights due other citizens, notwithstanding their trust relationship with the federal government. However, some states did not recognize their right to vote. For example, the Indians of Utah had to go to court in the 1950s to force the state of Utah to allow them to vote.

Under the Indian Reorganization Act of 1934, tribes were once again allowed to establish their own governments (according to the democratic forms of the dominant culture). The tribal governments had many of the characteristics of local governments and could negotiate with federal, state, and local governments, although they were limited by the fact that BIA officials retained veto or approval power. Thus, tribal governments constitute a fourth form of government to which Indian peoples may be subject.

Taylor states that there are three ways in which the responsibilities of the federal government toward Indians have been transferred to states: (1) by Indians moving off of reservations; (2) by specific transfer of functions; and (3) by termination of federal responsibility. The transfer of functions has proceeded in a very piecemeal way, generally state-by-state and/or service-by-service.

In the area of social services, the passage of the Social Security Act in 1935 was the major impetus toward transfer of services from the federal government to the states. Bloodworth (1960) notes that in 1948 the Congressional committee responsible for BIA appropriations expressed the view that state and county welfare boards should process public assistance payments for Indians. The BIA noted, however, that some states with large Indian populations were not doing so because they believed the Indians were the responsibility of the federal government. Eventually, all provision of categorical assistance was transferred to the states. The BIA provides General Assistance to those reservation Indians who do not qualify for categorical assistance but who are in need of aid in thirteen states which do not provide General Assistance to on-reservation Indians. In other states, they receive General Assistance from state or local governments on the same basis as non-Indians.

Provision of other social services mandated under the Social Security Act and its amendments is also the responsibility of the states, with the BIA assuming the provision of "residual services." While this division of responsibility is specified in BIA and DHEW policy, in practice there have been many

disputes which have resulted in court cases and memoranda between the federal agencies and the states. (This will be further discussed in chapter 4, as it is a major problem in the provision of child welfare services to Indians.)

Education for reservation children has also been transferred to the states on a piecemeal basis; in recent years, a majority of Indian children have received education in local public schools rather than in federally-operated schools. Health services for reservation Indians have not been transferred to the states to any great degree, and the IHS directly provides the major part of health services on reservations, although immunization and communicable disease programs of the states usually include Indians.

The transfer of law and order functions on reservations from the federal to state governments is also of interest as it relates to legal procedures necessitated in providing child welfare services, e.g., custody of children, severing of parental rights, adoption. The Allotment Act of 1887 placed those Indians receiving allotments under state criminal and civil laws. Under the Assimilative Crimes Act of 1948, on-reservation offenses not covered by federal statutes which would be punishable under state law are punished in federal courts according to state law. Tribal courts have jurisdiction over certain offenses by one Indian against another. In 1953, P.L. 280 conferred jurisdiction over Indian reservations to specific states and provided the possibility for other states to assume such jurisdiction through state legislation without Indian consent (the 1968 Civil Rights Act stipulated that tribal consent had to be obtained). Sixteen states have at least partially extended their jurisdiction over reservation lands (although they are forbidden by P.L. 280 to tax trust lands). In addition, New York and Maine have always exercised jurisdiction over Indian tribes due to early state treaties with the tribes (see also CSRD, 1975b).

An occurrence that further increased the states' involvement in providing services to Indians was the establishment in 1950 of the Governors' Interstate Council on Indian Affairs, by the governors of states with large numbers of Indian residents. A major concern of the council was that state services for Indians should obtain additional federal funding. Although several bills to that effect were introduced in Congress, none were passed. Beginning in 1955 the council opposed termination actions under P.L. 280 and H.C.R. 108; in 1960 the council stated that H.C.R. 108 should be considered a long-term goal rather than resulting in immediate termination actions; and in 1969, that termination should require the consent of both the tribes and the states.

Taylor sees a reversal of the trend to state involvement in the 1960s, coinciding with the drawback from termination policy and the increase of direct funding to tribes and Indian organizations. This conflicts with the increasing decentralization of non-Indian federal programs to states and is an issue yet to be resolved in a consistent fashion. One form that resolution might take would be the recognition of reservations as separate entities from states, rather than as subunits comparable to counties or towns.

History of Provision of Social Services for Indians by the Private Sector

The earliest providers of services to Indians from other cultures were the European missionaries, whose primary purpose was to convert the Indians to Christianity. Education was seen as a necessary step in this process, as was a certain amount of acculturation to "civilized" habits such as matters of dress and formal marriage vows. The French and Spanish Catholic missionaries appear to have been most zealous in this process--the Spanish in the West and Southwest, and the French Jesuits in the St. Lawrence River area, Great Lakes region, and the Mississippi Valley (Tyler, 1973, pp. 23-29; Fuchs and Havighurst, 1973, p. 2). The British mainly emphasized education, and several schools were explicitly founded to educate Indian as well as English youth, including Dartmouth, Harvard, and William and Mary (Fuchs and Havighurst, 1973, p. 2).

In the early 1800s, a religious awakening took place in the United States. This movement was primarily evangelistic and supported missionary activity, including conversion of Indians. In 1802, Congress appropriated funds for church groups to educate Indians, and in 1819 an act was passed authorizing an annual appropriation. This act was not repealed until 1873, under pressure from persons opposing the unconstitutional nature of the practice (Fuchs and Havighurst, 1973, p. 5).

In the mid-1800s, BIA agencies (local offices) were assigned to religious groups which were allowed to nominate the agents. By 1871, sixty-seven of the seventy-four BIA agencies had been so assigned (T. Taylor, 1972, p. 15). This was done in an effort to reform the abuses by previous agents who were usually military men (Tyler, 1973, p. 72). The system was "gradually abandoned and completely discontinued in the 1880s" (Tyler, 1973, p. 85).

Educational efforts on the part of private sectarian and non-sectarian groups have continued, but are supported by voluntary contributions rather than federal financing. Mission schools

still exist on many reservations but have decreased in importance until in 1970, only one in twenty Indian children attended a mission school (Fuchs and Havighurst, 1973, p. 35). Some mission schools have been turned over to Indian groups to operate, although they are still considered "mission schools."

Over the years, religious and nonsectarian private groups also became involved in the provision of child welfare services to Indians, usually as extensions of their services to their non-Indian constituents or as "home mission" activities. Again, these efforts are mostly supported by voluntary contributions, although specific projects have sometimes obtained federal funding.

For example, in 1958, the Indian Adoption Project was established as a cooperative undertaking of the Bureau of Indian Affairs and the Child Welfare League of America for the purpose of locating adoptive homes for Indian children. It was believed by these two agencies that the children being placed could not be cared for on the reservation and that adoption by a non-Indian family was desirable. (A research study of children adopted under this project will be discussed in chapter 5.) In 1968, this project became part of the Adoption Resource Exchange of North America (ARENA), a program for all "hard-to-place" children in the United States and Canada (Fanshel, 1972, pp. 33-37).

Other private sector efforts, including those of the Church of Jesus Christ of Latter-day Saints, Lutheran Social Services, Catholic charities, CWLA, and the American Humane Association, will be discussed under the section "Current Delivery Systems for Social Services to Indians."

History of Tribal Provision of Social Services

The American Indian tribes, as with other cultural groups, have their own traditional ways of dealing with the problems that Anglo America attempts to ameliorate through its social service delivery systems. These traditional ways will be discussed in the next chapter. This section will focus instead on the development of tribally-controlled services which have been modeled after Anglo-American approaches.

As the earliest services to Indians by Europeans were educational, so were the earliest services established by tribes. Five tribes in the Southeast (known as the Five Civilized Tribes) developed formal educational systems in the early history of the United States, which were continued after removal of the tribes to west of the Mississippi (Spicer, n.d., p. 2).

The Choctaw Nation operated and financed more than two hundred schools. The Cherokee Republic had an extensive school system, which taught English as well as Cherokee, using an alphabet developed by Sequoyah. The Creeks, Chickasaws, and Seminoles also established school systems. These schools were considered to be the best educational institutions west of the Mississippi at the time, and Cherokee literacy is estimated at about 90 percent during the 1800s. By the 1890s, however, the federal government had closed all of these schools (Fuchs and Havighurst, 1973, pp. 6-7), and had started the practice of making payments to public school districts to educate Indian children (Fuchs and Havighurst, 1973, p. 35). As a consequence, literacy in succeeding generations dropped drastically.

Between the Allotment Act of 1887 and the Indian Reorganization Act (IRA) of 1934, a concerted effort was made on the part of the federal government to destroy tribal governments. The Curtis Act, which denied any legal status to the national organization of the Cherokees and Creeks, was passed early in this period in spite of the opposition of these two tribes to the Allotment Act. During this period, human services as currently defined were not allowed to be provided by the tribes. The BIA agency superintendents did all the planning and service delivery, and were responsible only to their superiors, not to the tribes. Adaptation to an American, democratic way of local self-control was actually prevented by this policy, which fostered an attitude of "dependency" (Spicer, n.d., pp. 5-6).

The history of tribal control of services begins to pick up again in 1934, after two generations in which self-government was forbidden. In the years following the IRA, most tribes organized with democratically elected tribal councils. However, tribal control of reservation matters did not often result. Spicer suggests three factors responsible for this: "(1) a well-established [BIA] bureaucracy which until recently held a monopoly in federal government-Indian relations, (2) Indian communities disrupted with respect to organization for maintaining local level initiative in meeting Indian problems, and (3) a system of attitudes and prejudices on the part of both Indians and Anglos springing from and reinforcing the forced dependency relation between Indians and federal government" (n.d., p.7). In addition, the BIA retained budgetary control, which gave it great de facto power (Spicer, n.d., p. 8; T. Taylor, 1972, p. 148).

The changes occurring in this pattern in recent decades are attributed by two authors to the transfer of some federal services to agencies other than the BIA. Spicer comments that

"The very condition of competition among government agencies can result in Indians emerging in the position of arbiters of their own destiny" (n.d., p. 10). According to Schifter (1970), these organizational changes "have ended the era of the complete dependence of American Indians on the Commissioner of Indian Affairs and his local proconsul" (p. 2).

The result has been the increased effectiveness of Indian leaders in getting their voices heard by state and federal government officials at the highest levels (T. Taylor, 1972, p. 154). "Self-determination" has become the stated policy and has recently been enacted into law.

In just the last few years, Indian groups have been funded to provide services to their own people in the areas of community development, education, police services, social services, and child welfare services. (Some of these efforts have been mentioned previously, and others will be discussed in later chapters.) While the future cannot be predicted, it appears that Indians are regaining some degree of self-determination, although it will undoubtedly be slow in developing due to the necessity of working with a number of large bureaucracies and the continuing control of state governments over many funds and programs.

Current Delivery Systems for Social Services to Indians

Social services are currently provided to Indians by means of a variety of governmental and nongovernmental agencies, including two federal agencies (BIA and DHEW), state governments through county welfare departments, tribal governments, and private sectarian and nonsectarian agencies. The primary deliverers of all social services to non-Indians and to Indians not living on reservations are the state governments (through county or other local delivery points), which receive substantial amounts of funding (50 to 80 percent) from the federal government through the Social and Rehabilitation Service (SRS) of DHEW. SRS policy affirms that states bear the same responsibility toward Indians as toward other citizens, even if they live on reservations or other trust lands. Child welfare services were included in this delivery system through Titles IV-A and IV-B of the Social Security Act prior to October 1975, and currently through Titles XX and IV-B.

The BIA policy is to provide only "residual" social services to Indians residing on or near reservations. Usually BIA social workers have large caseloads and spend a predominant part of their time on General Assistance payments. Nonetheless, they do have a stated responsibility to provide certain child welfare services to on-reservation Indian children under certain circumstances of need when other resources are not available, although they may not arrange adoptions (BIA Social Services Manual, Section 3.2).

In actual practice, however, a recent study found that "the role and extent of activity of the BIA in child welfare services varies considerably from state to state and even from reservation to reservation within a state" (CSRD, 1975a, p. 24). BIA activity apparently varies inversely with state/county activity, and may include either direct service provision or contracts with tribes, states, or private agencies to provide services (CSRD, 1975a, p. 24).

Although tribal courts have been involved in the legal aspects of child welfare services for a number of years, other tribal social and child welfare services have been limited until very recently. The Indian Self-Determination Act of 1975 standardizes and clarifies procedures for direct federal (BIA and IHS) funding to tribes in an attempt to eliminate bureaucratic barriers previously encountered.

The CSRD study found that "the most frequent areas of tribal activity in the provision of formal child welfare services are in day care and group care facilities" (1975a, p. 28). The report also states that funding for day care usually came directly from the federal government, while group care was primarily funded by purchase-of-service contracts from the BIA or the state. A list of tribally-operated child care facilities compiled in 1970 shows five shelters for children who have been abandoned or whose parents or guardians are in jail; three centers providing services to predelinquent or delinquent youth; one home for summer placement for boarding school students and children not adjusting in foster family homes; and one facility providing emergency short-term care and services for crisis situations (BIA, 1970a, pp. 12-14).

A number of recent tribally-run child welfare programs are described in chapter 6. These include the Child-Parent Development Center established in 1968 by the Devils Lake Sioux Tribe; several child abuse research and demonstration programs funded through the Office of Child Development, DHEW; and several SRS section 1115 research and demonstration projects which attempted to improve the delivery of social services on reservations by substantially involving Indian people.

Three of the ten tribes surveyed by the 1975 CSRD field study employ social workers who are active in child welfare matters. At Gila River, the tribal Child Protection Agency includes one worker attached to the tribal court and funded by the Office of Native American Programs/DHEW. At Zuni, the tribe has contracted with the BIA to provide the full range of BIA social services. The Navajo Tribal Office of Social Services has negotiated a purchase-of-service contract with the state of

New Mexico in which the tribe provides the local share to earn matching funds from SRS. (The tribe also attempted unsuccessfully to finalize a contract with the state of Arizona.) The Navajo Tribe has also proposed to take over all SRS-funded services from the states of Arizona and New Mexico, under 1115 SRS research and demonstration grants, but neither application has been approved (CSRD, 1975b, p. 79).

Services for Indians not living "on or near" reservations are supposed to be provided by the state/county welfare systems in their place of residence, as the BIA denies most services to these off-reservation Indians. The limitation of BIA services to Indians living on or near reservations was recently challenged in court. Ruiz v. Morton (415 U.S. 199 [1974]) found that BIA General Assistance benefits could not be denied to Indians "living in an Indian community near their native reservation who maintain close social and economic ties with that reservation" and who have not been assimilated into the dominant culture. "The case was returned to the U.S. District Court for Arizona to determine the parameters of the class of Indians entitled to the benefits of this decision" ("Supreme Court Brief," 1975). Presumably most Indians in urban areas will continue to be denied BIA benefits.

Special problems of Indian people who have moved to urban areas in obtaining social services have been a focus of concern since the massive relocation effort of the 1950s (see further discussion in chapter 4). In the 1960s, the Office of Economic Opportunity funded urban Indian centers in several cities. A recent urban effort in the specific area of child welfare was the Seattle Indian Center project entitled "Alternative to Foster Care," which attempted to rehabilitate families so they might regain custody of their children; however, this project has not been refunded.

No published material was found during this review which describes the total extent of child welfare services for Indians provided by private agencies. The current CSRD project will be studying this area; some of the projects mentioned here are from unwritten preliminary findings of the staff.

Private agencies have traditionally been involved in the provision of child welfare services to Indians, especially in the area of adoption placements. The Indian Adoption Project of the Child Welfare League of America, cited earlier, is an example. The Church of Jesus Christ of Latter-day Saints has extensive foster placement services for Indians,* and

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*Almost all of the children are voluntarily placed for educational purposes rather than for child welfare problems.

Lutheran Social Services is active in the Dakotas, Wisconsin, and Minnesota. The Phoenix Area Office of the BIA has contracted with the Jewish Family and Children's Services in Phoenix, which supports an Indian social worker for a special Indian Adoption Project (CSRD, 1975a, p. 48). The American Humane Association has held a series of seminars for tribal court judges on child welfare issues ("Indian Court Judges Training," 1975; "AHA Training," 1975).

This section has briefly described the social services and child welfare services delivery systems to Indians. More detailed descriptions of policies and procedures will be presented in later chapters, as these policies themselves are major issues identified in the literature on Indian child welfare services. Similarly, the legal and jurisdictional problems produced by the involvement of four different political entities (federal, state, county/local, and tribal) are a major issue in the field which is further discussed in chapter 4.

CHAPTER 3

CULTURAL AND HISTORICAL FACTORS BEARING ON INDIAN CHILD WELFARE

Traditional Ways of Preventing or Alleviating Child Welfare Problems

Every culture has developed its own means of providing for certain processes to occur to ensure the well-being of the society and most of its members. These processes basically come under the heading of "socialization," conceived of as a life-long process as roles change. In addition, societies develop means of dealing with problems which arise when the usual socialization processes fail or when individuals cannot behave as expected even if they wish to.

The traditional practices of Indians described in this chapter are those which are discussed in the literature as being relevant to child welfare problems such as child abuse, neglect, and abandonment. Child welfare institutions in this country have developed to meet needs found in Anglo-American society. As a publication by the Child Welfare League of America notes, "In an increasingly complex, urban, mobile, technical, and rapidly changing society, it has become more difficult for many families to carry their responsibilities" (1968a, p. 1). The practices of these institutions have been applied to Indian people in spite of the fact that the cultures of Indian tribes have traditionally been dissimilar to European, especially to British, cultures and have remained so to a certain extent despite the meeting of these groups on the continent of North America.

Although the cultures of the various Indian tribes are diverse (see for example Kelly, 1961, and Fitzgerald, 1970), generalizations have been made by numerous authors. The following statements, therefore, are based on these generalizations without complete knowledge of their accuracy, or on studies of one tribe with caveats that the findings may not be generally true of other tribes.

An article by Larsh (1973) lists general value differences between Indian and Anglo cultures:

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Tribal or Traditional Cultural Values	Urban - Industrial Cultural Values
group or clan emphasis	individual emphasis
present oriented	future oriented
time, non-awareness	time, awareness
age	youth
cooperation, service, and concern for groups	competition, concern, and acquisition for self
harmony with nature	conquest of nature
giving	saving
pragmatic	theoretical
patience	impatience
mystical	skeptical
shame	guilt
permissiveness	social coercion
extended family and clan	immediate family
non-materialistic	materialistic
non-aggressive	agressive
modest	overstates and over-confident
silence	noise
respect others' religion	convert others to religion
religion--a way of life	religion--a segment of life
land, water, and forest belong to all	land, water, and forest--a private domain
beneficial and reasonable use of resources	avarice and greedy use of resources
equality	wealth
face-to-face government	representative democracy
compact living--close contact--indoors high space utilization	space living--privacy--use of roominess
low self value	strong self-importance

Historically, North American Indian tribes consisted of relatively small groups of people living and traveling in physical proximity. The extended family was the basic unit, with responsibility for the welfare of each member of the extended family or tribe being shared by all. The traditional extended family and tribal system is discussed by a number of authors whose writings were reviewed for this research (Boggs, 1956; Thomas, 1962; Locklear, 1972; Lewis, 1970; Alexander and Anderson, 1957; Thompson and Joseph, 1947; Bennett, n.d.).

The structure of the extended family varied from tribe to tribe with different people having primary responsibility for child care. The grandparents were often very important in this role, as the parents would be occupied in providing subsistence (Lewis, 1970). Uncles and aunts were also important, particularly in the training of older children and adolescents to

fulfill their adult roles. In some tribes, the extended family was more stable than nuclear families, because divorce was relatively easy and the children remained with the extended family (Alexander and Anderson, 1957). The extended family was also held responsible for debts and crimes of individual members within some tribes and close relatives would often raise children from poor families (Lewis, 1970). It can be readily seen that, under this system, there would rarely be instances of "neglect," as the child's welfare was the responsibility of the entire extended family and tribe, not merely its biological parents.

A similar point is made by several authors with regard to children born to an unmarried mother. Lewis (1970), writing of Northwest Coast tribes, notes that a girl's value would be greatly lessened, but that she could nevertheless marry, although the child's name would have to be cleared by the family's presenting gifts to the guests assembled for the birth celebration (p. 38). The poor members of those tribes, who could not afford a wedding, entered the marital bond by cohabitation (p. 40). In some other tribes, the mother would name a man as the father and the man's relatives would give the child the same status as if it were legitimate (Morey and Gilliam, 1974, pp. 98-99). In any case, in these and in other traditional ways of dealing with this problem, the extended family or tribal system accepted responsibility for the child.

The third aspect of traditional tribal ways of life which relates to child welfare is the training of children. It is generally agreed that Indians usually did not use physical punishment as a means of teaching and controlling their children (Lewis, 1970, p. 42; Wallis, 1954, p. 185; Morey and Gilliam, 1974, pp. 58 ff; Alexander and Anderson, 1957, p. 50; Boggs, 1958, pp. 51-52; Teicher, 1953, pp. 34-35; and Freeman, 1968). Methods of child-training were generally fairly permissive, with children being taught correct ways to act by the examples of adults and older children (Morey and Gilliam, 1974, p. 110). Children were shown a great deal of love and affection and were taught very early to respect others. When children were a little older, they were always given reasons why they should refrain from certain actions (Morey and Gilliam, 1974, p. 65; Alexander and Anderson, 1957, p. 50).

The major overt form of control used by family members was teasing or shaming, which developed in some tribes into highly formalized patterns (Morey and Gilliam, 1974, p. 63; Erikson, 1963, p. 154). Other disciplinary practices used by the Ojibwa for older children included ignoring them, making them stay in a corner or outside or refraining from offering them food (Boggs, 1958, p. 51). A fairly widespread practice to stop children from doing undesirable actions was the use of fear. Children were told that animals, ghosts, or "bogey men" would come to do something to them or take them away (Morey and Gilliam, 1974, p. 69). Wallis (1954) writes

that Dakotas used this method, with a member of the family dressing up in a costume and actually appearing to frighten the children. This practice, which was perhaps the most severe form of controlling children used by Indians, was thus done in such a way that the children's fears were placed on something external to the family group from which they received love.

The final characteristic of tribal culture which is relevant to child welfare issues is the social control of adults. This is important because Anglo child welfare services, although serving the primary purpose of protecting the child, also expend effort on changing what is seen as undesirable adult behavior. The philosophy demonstrated by Indian child-rearing practices is also reflected in their treatment of adults who violated tribal norms. Based on the major principle of respect for others, most Indians would not interfere in a situation unless it were critical. Thomas (1962, p. 1) notes that even today "Cherokees will allow the driver of a car to run into a ditch without saying a word to him. It is assumed that he knows what he is doing and is not to be interfered with." Good Tracks (1973) also discusses this principle of noninterference and its widespread existence among Indian tribes.

When it is believed that a situation should not be allowed to continue, the person is chastised indirectly. This may occur by teasing or shaming (Morey and Gilliam, 1974, p. 63) or by gossiping about the person or ignoring him (Thomas, 1962, p. 2). Thomas notes that even then the purpose is to stop the person from continuing the undesirable action rather than to punish him. If more direct measures were necessary, the tribal elders and priests would talk to the person (Alexander and Anderson, 1957, p. 50).

From the above discussion, it may be seen that several traditional Indian ways may have prevented some "child welfare problems" from occurring or reduced their impact. In traditional Indian societies children would be cared for by the extended family if the biological parents could not do so, and formal procedures for removing the child or placing the child were therefore not necessary. Given the strong belief in lavishing love and care on children, and the proscriptions against physical punishment, it is unlikely that abuse or neglect situations occurred frequently or were not handled within the extended family or tribe.

Impact of Anglo Conquest on Traditional Cultures

The actions of European nations and the United States described in the previous chapter resulted in the disruption of many of the traditional tribal ways. Perhaps the most important of these have been changes in the extended family system; the loss of respect for traditional ways, which has been inculcated by

the educational systems; and the destruction of traditional forms of subsistence, which has vastly altered adult roles.

Several historical factors have caused the disruption of extended family systems. Removal policies broke up some of the extended families of the southeastern tribes (Thomas, 1962, Appendix); individual ownership of allotted land broke up tribal villages and resulted in single family houses in a tribe where traditionally the extended family lived together in one big house (Lewis, 1970, p. 47); disease, starvation, and wars decimated some tribes (Bennett, n.d., p. 2); in the past three decades, the relocation policy which encouraged the migration of Indians to cities has caused them to leave extended families and live as nuclear families (Locklear, 1972, p. 77). Although kinship units are frequently still strong (see below), where they have been disrupted there have been negative effects on the welfare of children because the support system has been removed and parents may not have been taught how to care for children alone or singly as that was not the traditional way (Lewis, 1970, p. 120). Boyer notes that "socialization of the child was previously more seriously accepted as a family and group function" (1964, p. 521).

As noted in the previous chapter, the major purpose of "white education" for Indian children was to assimilate them. In efforts to accomplish this, tribal customs were ridiculed and children were punished for adhering to them or for speaking their languages instead of English. When they were sent away to boarding schools, they were completely removed from family and kin and therefore from the opportunity to learn traditional ways. Roessel (1963) states that the undermining of traditions by the educational system has been exacerbated by placing children in boarding schools away from a normal home life. He quotes Cipriano Manuel, Chief Judge of the Papago Tribe, as saying "we condemn the Indian home because it cannot control the activities of its youth yet we are responsible because [when] we take the students from the home, we relieve the parent of all responsibility" (p. 4). An Indian leader recently stated, "Today, because we rely on teachers to do this for us much of the affection and respect between children and their elders is lost" (Morey and Gilliam, 1974, p. 59), and again, "Even though the traditional Indian education is good for Indian children, they have a tendency to look at their people's ways of respect as primitive" (p. 82).

The result of the loss of respect for traditional ways is that old forms of socialization and social control have lost much of their effectiveness. This in turn has its effects upon child-rearing practices and control over them by the extended family and tribe. Boggs (1956, 1958) writes that the social disorganization undergone by one tribe has caused a lack of clear self-

role among adults, and that this has affected child-rearing practices because there is no image toward which a child should be raised. He also notes (1958, p. 53) that the extended family no longer has the "consensus necessary to exert sanctions to prevent neglect."

In anthropological literature, the type of subsistence economy of a society is seen as one of the major determinants of its structure and culture. For most Indian tribes the traditional mode of subsistence was hunting and/or fishing. The Anglo society ended this mode of subsistence and tried to transform the Indian into a farmer or rancher. Some tribes were very successful at ranching because it resembled the hunting culture, but during World War I this practice was discouraged by the BIA. In this century, with the domination of industry and a cash economy, Indians have been encouraged to leave the reservations to live in cities and work in industry. The two most important results of these changes which are relevant for child welfare are the effects on the ability of families to provide for their children and the impact on the role of men.

Poverty is a fact of existence for many Indians in the United States. The problems that poverty causes for families and children are well-documented, and Kelly (1961, p. 2) writes that off-reservation Indians living in poor socioeconomic conditions are acquiring behaviors similar to those of other poverty groups. In addition to the direct results of poverty in ill health, malnutrition, and so on, the frustration and hopelessness of this condition are seen as one cause of various social pathologies among Indians, including neglect of children (Boggs, 1958). When this occurs, the extended family may also not have the economic means to care for the children (Alexander and Anderson, 1957, pp. 49, 55; Bennett, n.d., p. 4).

The other impact of the change of subsistence base has been on the self-image of Indian men. In most of the tribes, men were traditionally hunters or warriors with high mobility. The necessity of working for wages has caused resentment and restlessness (Lewis, 1970, p. 143). The resulting self-image of powerlessness deprives boys of a strong male model (Lewis, 1970, p. 177; Freeman, 1968, p. 158) and one researcher found that boys have lower self-esteem than girls as a result (Lefley, 1974, p. 832). The impact of this male self-image on child welfare has been postulated by Boggs as "ambiguity in sex roles increases neglect" (1958, p. 53). He states that on the reservation he studied, women often were more able to find work than the men, and left the children in the father's care. The fathers did not accept this as an obligation and did not interact much with the children. They sometimes left the house in the care of older children for indefinite periods.

Traditional Ways That Have Remained

In spite of the massive changes which have occurred in the subsistence bases of North American Indian tribes, and in spite of two hundred years of federal policies aimed at assimilation, writers in the field agree that the traditional cultures of Indian peoples have proved amazingly strong and resilient. Although it is not true for all tribes, and certainly not for all individuals, a number of basic cultural traits relevent to child welfare have survived.

Chief among these is the continuing importance of family kinship and tribal ties. McNickle (1968, pp. 220-221) suggests that this retention may be explained by a theory of Edward M. Bruner which states, "That which is learned and internalized in infancy and early childhood is most resistant to change in contact situations." These include kinship terms and behavior, and values and roles learned during the first years of life. Lewis agrees that the cause may be traced back to early childhood training: "One of the forces making for this cohesion [of traditional ways] may well be the childhood experiences of members of the band" (1970, p. 169). Hoyt (1962) found evidence of this continuing importance in a study which utilized essays on the subject "My Hopes for Life on Leaving School," 582 written by Indian children and 207 by white children. "Nearly one-third of the Indian children . . . mentioned love or concern for parents, family, or tribe . . . no white child spoke of love for parents or family" (p. 44). Wax, observing the same phenomenon, believes that it is the retention of the tribal system which has enabled Indian communities to survive at all: "These patterns of sharing, voluntary cooperation, equality, and solidarity have sustained these communities under conditions which would otherwise have destroyed their membership" (Wax, 1971, p. 76).

The basic philosophy underlying child-rearing has also not changed. Lewis (1970, pp. 170-171) describes "flexibility and lack of pressure" and states that "Indian parents seldom punished their children." The Indian participants in the conference proceedings edited by Morey and Gilliam also stress throughout that Indian children continue to be treated with love and affection and are seldom punished. Several writers agree that situations of child abuse among Indians are rare ("The Destruction of Indian Families," 1974, p. 1; Cook Inlet Native Association, 1975, p. 6; Indian child welfare hearings, 1974, pp. 101, 103).

In sum, the situation today is that the traditional socialization and social control processes of Indian tribes have been consistently

undermined, yet are retained to some extent by most tribes. Where these processes have broken down for a tribe or for individuals, problems for which child welfare services are needed may arise. The next two chapters discuss the appropriateness of current child welfare philosophies and practices for Indian people as one of the major issues in the field today. The extent to which traditional ways of dealing with these problems are still viable and should be supported is an important aspect of this issue.

CHAPTER 4

GENERAL ISSUES IN LITERATURE ON INDIAN CHILD WELFARE

The four issues to be discussed in this chapter are: (1) legal/jurisdictional problems in the delivery of child welfare services to Indians on reservations; (2) the appropriateness of services currently being delivered in light of cultural differences between service providers and Indian service recipients; (3) the extent of participation by Indians in planning for and delivery of social services; and (4) services to urban Indians.

Legal/Jurisdictional *

Indian tribes have a special relationship to the federal government on the basis of treaties made with them as sovereign nations. These treaties entitle the tribes to special services and benefits to be provided by the federal government; they may also present barriers to the receipt of full civil rights by Indians (Schusky, 1970, p. 1). In addition, since Indians were made citizens of the United States in 1924, they are entitled to all the rights, benefits, and responsibilities from local, state, and federal governments to which all other citizens are entitled. The Indian Reorganization Act of 1934 gave tribes the right to establish their own governments, which also have some responsibility for child welfare services, particularly through the tribal courts. Child welfare services may therefore be provided by any of four governments--federal, state, local, or tribal.

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*Material in this section, except where noted, is based on the CSRD report of October 1975, Legal and Jurisdictional Problems in the Delivery of Child Welfare Services on Indian Reservations. Another valuable source on the question of tribal jurisdiction is Justice and the American Indian, Vol. 4, Examination of the Basis of Tribal Law and Order Authority, National American Indian Court Judges Association, Washington, D.C., 1975. See also "The Special Relationship between American Indians and the Federal Government" and "The Relationship between Indian Tribes and State Governments," papers prepared for the Secretary's Intra-Departmental Council on Indian Affairs, Department of Health, Education, and Welfare, April 1975, and a DHEW Region VIII Task force report by Detmer, Connelly, and Luba, n.d.).

Both the Social and Rehabilitation Service of the Department of Health, Education, and Welfare and the Bureau of Indian Affairs agree that provision of social services on the part of the BIA are supplementary to the provision of services by states under the Social Security Act. However, some states have refused to provide services or have provided limited services to Indians on reservations on the grounds of the Indians' exemption from property taxes and taxes on income earned on the reservation and of restricted state authority on reservations. Several court cases have stated that reservation Indians are entitled to benefits under the act. Nevertheless, some states continue to deny certain services to reservation Indians, and the BIA attempts in many cases to provide these services from its own resources. A series of bills have been introduced in Congress, beginning in 1937, to increase the federal matching share for state plans for public assistance to Indians living on reservations. Only one has succeeded--the Navajo-Hopi Rehabilitation Act of 1950, which has since expired.

With regard to state jurisdiction on reservations, problems arise in the cases of protective services, foster care, and adoptive services, each of which involves courts and police as well as regulated licensing (see also Youngberg, 1974, p. 9). In non-P.L. 280 states, where the states do not exercise jurisdiction over the reservations, conflicts often occur over custody matters. These conflicts can be avoided if the county social workers recognize tribal sovereignty over tribal members by dealing with the tribal court and by respecting tribal laws and ordinances. While the CSRD field research showed that this is occurring in some states, jurisdictional problems remain over questions of licensing and acceptance of tribal court orders by state courts.

If a state cannot license child care facilities on reservations or find some acceptable substitute to licensing, no federal funds can flow to on-reservation child care programs. The practical result is that it is difficult to develop foster family homes, day care centers, and group care facilities on reservations, and many reservations lack these needed services.

The main reason states cannot license on reservations is that they lack jurisdiction to bring criminal sanctions against revokees who continue to operate. As detailed by the CSRD report, some states have found ways around this problem. The recommended alternative to these "patchwork" solutions is the enactment of clarifying federal legislation.

A second problem involved in licensing is the use of standards. The field study found that current state standards, especially physical standards, are often so restrictive that it is difficult to develop Indian foster care homes and other child facilities on reservations. A recent SRS Program Instruction, issued 30 December 1974, explicitly endorsed dual standards for Indian reservations, but no such standards have yet been implemented on more than a local basis.

The third area of legal and jurisdictional problems is the recognition and enforcement of tribal court orders by state courts and agencies. The enforcement powers associated with a tribal court are limited to a geographic area within which the tribe carries out its governmental activities, and these orders can be enforced outside the geographic limits only if another court or agency, having jurisdiction or authority to act, recognizes and enforces the first court's orders. The problems which have arisen are refusals of state institutions to accept involuntary commitments by tribal courts, difficulty of tribal courts in continuing to supervise foster care if the foster parents move off the reservation, and problems of Indian adoptive children and parents due to the state's refusal to record adoptions made through tribal courts.

These kinds of problems are less likely to arise between states, because state courts are required by the U.S. Constitution (Article IV, Section 1) to extend "full faith and credit" to the "public acts, records, and judicial proceedings of every other state." Some states have not extended this to tribal courts ostensively due to objections about lack of due process procedures and professional training of tribal court judges; it is believed however that issues of control over water and land rights also play a major role. The CSRD study points to reasons that the objections concerning due process and lack of training are usually impossible to sustain legally. Several court decisions have supported the position that tribal courts' orders are entitled to full faith and credit; for example, the Navajo Tribal Court is recognized by the state of Arizona. However, the U.S. Supreme Court has not given a definitive ruling. It is important to note that the problem of recognition of tribal courts becomes even more important under recent steps toward self-determination.

The Cultural Appropriateness of Child Welfare Services

The problems in this issue area are discussed here as they relate to child welfare services in general. Cultural considerations also relate in more specific ways to particular child welfare services, which will be discussed in chapter 5.

The first and most basic problem is the lack of knowledge about and/or respect for tribal cultures. This is a problem not only on the level of the individual social worker, but also at the level of policy guidelines and regulations and program planning. The problem has occurred in two ways, first as a cultural bias in the planning and delivery of services, and second, as a lack of respect for Indian cultures demonstrated by the assimilationist orientation of many child welfare services. With regard to the first, many writers have noted the cultural bias evident in such a basic matter as establishing standards for adequate child care (Jones, 1969, p. 305; Hirsch, 1972, p. 3; "The Destruction of Indian Families," 1974; Lewis, 1970, p. 174; Indian child welfare hearings, 1974, p. 130). A recent review of the literature on ethnic issues in child welfare found "lack of recognition of ethnic patterns" to be a major problem (Jenkins and Morrison, 1974, pp. 31-45).

With regard to destruction of Indian cultures through assimilationist policies, Dr. Robert Bergman (Indian child welfare hearings, 1974, p. 128) stated to the Senate Subcommittee on Indian Affairs that,

> Separating Indian children from their parents and tribe has been one of the major aims of governmental Indian services for generations. The assumption is that children and particularly those in any kind of difficulty would be better off being raised by someone other than their own parents.

Before the same subcommittee, Dr. Alan Gurwitt (1974, p. 55) stated that,

> American Indian children are being placed in non-Indian homes at a rate that is . . . alarming.
>
> We think this reflects several things. One, the Bureau of Indian Affairs policy and state welfare policy of getting Indians into the mainstream of America, while this policy has changed at higher levels of the Bureau, its impact at lower levels continues to be present. . . .

While the problem of lack of knowledge about and respect for Indian cultures has been most frequently discussed with regard to substitute services (removal of the child from the home), it is an issue which permeates the entire spectrum of child welfare services, whenever the assumption is made that the dominant culture knows what is "best" for the child.

Another issue in the area of cultural appropriateness is the fact that government programs, as well as schools of social work, have failed to recognize the diversity of Indian tribal cultures in North America (Compton, 1973; Farris, 1973; Naranjo, 1971). Farris writes that, "One general Indian policy, regardless of how well intentioned or conceived, cannot be applied equally to so many different cultures" (p. 83). Compton discusses ways in which generalizations found in the curriculum of schools of social work could be harmful if applied to all tribes, and demonstrates differences between two tribes. Naranjo states, "Details differ from group to group and these details are details of importance" (p. 1).

Another problem area within the issue of the cultural appropriateness of services is that of adapting casework methods in working with Indian people. Kathryn Polacca (1966) discusses a number of Navajo cultural traits which should be taken into account in working with Navajos. These include realizing that (1) disapproval will not be directly expressed even when it is present, (2) Navajos are accustomed to working problems out slowly through discussions in which everyone expresses his views, and (3) asking questions, a sign of interest according to Anglo culture, is seen as interference and met with resentment. Braswell (1973) argues that the development of a self-concept is based on self-respect, among other things, and that this is frequently destroyed in Indians by social workers who have a superior or paternal attitude. Spang (1965) also writes that the counselor must be careful never to impose his value system on the Indians.

Several authors have written that the concept of social work intervention is antithetical to the Indians' value of non-interference (Good Tracks, 1973; Lewis and Ho, 1975). Lewis and Ho also note that techniques such as confrontation or facilitating display of emotions will not be successful with Indian clients, because they are accustomed to not expressing feelings or to handling personal matters within the extended family system. On the other hand, Spang (1965) believes that nondirective techniques will be ineffective in counseling Indians because they are not accustomed to verbalizing their problems. According to Lewis and Ho, a social worker will be most effective only after he or she has gained respect by demonstrating sincerity, respect, and genuine concern for the people. A similar point is made by Youngman and Sadongei (1974): "A child brought up in the Indian culture is going to observe how closely the [school] counselor lives with what he says" (p. 276).

Another aspect of traditional "helping agency" modes is the fostering of dependency rather than "working with" the Indian client to achieve goals (Leon, 1964, p. 1). A "maladaptive interaction" pattern is developed which is circular, as the client begins to act in dependent ways which reinforce the assumptions of the social worker. The pattern is maladaptive because (1) the ostensible purpose of the relationship is to enable the client to function independently, and (2) the social worker is not able to obtain information about the Indian's true goals and feelings. Leon concludes, "To work as co-equals requires an attitude change on the part of both parties" (p. 16), in the form of changed expectations about the other's behavior.

Neville (1969) writes that the usual hostility associated with self-change which surfaces in a casework relationship is augmented in the case of Indians by hostility which is "peculiar to a group immersed in a situation of imposed cultural change" (p. 523). He also discusses language barrier problems as important because communication is central to a counseling relationship. Finally, he writes of working with Eskimos that since their culture values conformity and co-operation, the caseworker must be very careful not to prescribe solutions, for they will probably be accepted even if the client does not feel they are right.

A recent paper by John Compton reiterates the point that social work is alien to Indian culture, i.e., it is "white man's technology" (p. 2). Further, he believes that the profession is viewed with hostility by Indians because it has directly attacked the "basic ways of meeting human needs that the various tribes evolved in their institutions" (p. 21, see also p. 16). Keller (1972) notes that this is necessarily true of all bicultural social work:

> In the administration of his duties which are a part of the Anglo-American institutional social welfare, the bicultural social worker becomes a change agent in an acculturation process (p. 464).

Compton also discusses (pp. 12-14) the dangers of basing theory about social work with Indians on generalizations (see also Lewis and Ho, 1975). Instead the social worker should use a generalization as a starting point from which to learn the characteristics of individuals and individual tribes (p. 25).

Another aspect of casework with Indians that is emphasized by Joseph Westermeyer (1973) is the power that the social worker wields. From his studies in Minnesota, he found that the social workers had two "cudgels," the ability to control the clients' financial affairs and the ability to take children away from their parents (p. 47). He also points out that attempts to treat all people "equally" result in unequal treatment for Indians because they are expected to behave according to the same value system as the dominant culture and are sanctioned for not doing so.

Finally, according to Westermeyer, the characteristics of Indians that the service providers he studied found most difficult to deal with were actually induced by majority-dominated institutions. These characteristics, including "(1) open noncooperation, (2) covert passive-aggressive harassment, and (3) deception" were found to be significantly less prominent in Indian-dominated institutions, and non-existent within "the ordinary Chippewa or Sioux family in Minnesota" (p. 52).

The Extent of Indian Participation

A paper by the Department of Health, Education, and Welfare (1968) states that one of the five major problems with DHEW programs with regard to Indians is:

> Opportunities [for Indians] to constructively participate in planning, operating, and evaluating programs aimed at meeting needs are inadequately developed. The Indians want to be of substantial support to the agencies working to meet their needs.

A report (Westermeyer, 1973) of a study done in Minnesota found that "authority positions within the schools, clinics, social agencies, religious organizations and businesses serving Indian communities have been occupied almost exclusively by non-Indian people" (p. 45). The CSRD field study documents the sparse numbers of Indian people employed in child welfare agencies (state, county, and BIA) and the general lack of special training for non-Indian people working with Indians (1975a, pp. 17, 22, 25).

One reason for this lack is probably the scarcity of Indians who are professionally trained as social workers. Many Indians do not believe that formal education and training necessarily improve services, but academic degrees are often requirements for social service delivery positions. At the 1974 Senate hearings, Evelyn Blanchard presented statistics

illustrating the lack of adequate staff and the small number of Indian social workers and concluded,

> It is obvious that much effort must be directed toward the development of professionally trained Indian personnel if, in fact, the aim is to preserve the strengths of the Indian communities (pp. 214-215).

The Council on Social Work Education has studied this problem and has recommended curriculum changes in schools of social work and recruitment programs to increase the numbers of Indian faculty and students (Mackey, 1973). Two authors discuss the fact that curriculum changes must not be superficial and may well involve theoretical and methodological revisions (Compton, 1973; Farris, 1975).

However, the lack of Indian social workers does not account for the fact that Indians who are not trained as professional social service providers have not been included in the planning and operating of child welfare services. The root cause for the limited participation of Indians is to be found in the history presented in chapter 2 which traces the destruction of Indian self-government and its replacement by the BIA as sole service provider. As noted in chapter 2, moves toward allowing self-determination for Indians have been made in the very recent past. As this policy is implemented the problem of the lack of Indian participation in the planning and delivery of child welfare services should begin to be alleviated.

Services for Urban Indians

The Indian migrant to the city faces numerous problems, including adjusting to an unfamiliar milieu, difficulties in finding employment, and loneliness for family (Ablon, 1964, 1965; Graves, 1970; Price, 1968).

Most who do find work are employed in unskilled or skilled labor (Ablon, 1965; Neog, Woods, and Harkins, 1970, p. 42), and incomes tend to be far below average (Community Health and Welfare Council, 1974, p. 10). As might be expected from these data, the services most often requested by Indians in one city were in the areas of critical needs: emergency food, clothing, and housing; employment; and financial assistance (Community Health and Welfare Council, 1974, p. 14).

However, having been accustomed to provision of all services by the BIA, Indians living in cities may be unaware of the range of services available (Detmer, Connelly, and Luba, n.d., p. 23; DHEW/SRS, 1971, p. 2; Ablon, 1965, p. 370). Or, they may not use services because they are not used to asking nonrelatives for assistance (Lacklear, 1972, p. 77). In addition, the background statement of an Office of Native American Programs (DHEW/ONAP) Request for Proposal (1975) states that urban Indians are often denied services because local providers believe that they are the responsibility of the BIA or DHEW.

In fact, however, while off-reservation Indians may still be eligible for some BIA or IHS services, they usually do not have access to them because the services are not located in urban areas (some IHS hospitals are located in urban centers). Other benefits, such as BIA General Assistance are denied urban Indians (see discussion of Ruiz v. Morton in chapter 2). BIA employment assistance is technically provided only to those who apply while still on the reservation, although it is sometimes given to very recent migrants (League of Women Voters of Minneapolis, 1968, p. 17).

Child welfare services are not specifically discussed by the sources reviewed in the area of urban Indians, although it may be assumed that preventive and supplemental services suffer the same difficulties of access described for other services, as they are voluntary by nature. Cases of neglect are frequently more common among Indians living in urban areas, presumably because the extended family and tribal support system is usually not present (Cook Inlet Native Association, 1975, p. 7).

The fact that Indians in urban areas frequently retain their tribal diversity (Youngman and Sadongei, 1974, p. 274; Ablon, 1964) may tend to inhibit their ability to organize to demand better services, because there is no central representative or group, and because intertribal hostilities may remain (Chaudhuri, 1974, p. 60; Partain, 1975). This has been overcome to some extent in recent years by "pan-Indian" organizations whose leaders are "young, relatively well-off, educated Indians . . . [who] had few political roots in their home reservations" (Chaudhuri, 1974, p. 17). Two authors believe that Indians join these pan-Indian groups because they become aware of the commonalities among Indians when they move to the city and meet members of other tribes, perhaps for the first time (Ablon, 1964, p. 304; Price, 1968, p. 175). There is also a growing recognition of the role of coalition in exerting political pressure.

Some of the first intertribal organizational activities centered around urban Indian centers. These centers began to be developed in the early 1950s to assist in meeting the needs of the urban Indian population by serving as a link between them and the existing services (Tyler, 1973, p. 245; DHEW/ONAP, n.d.a, p. 1; DHEW/ONAP, n.d.b, p. 1).

Four model Indian centers received federal funding in 1969, and by 1974 over fifty such centers were at least partially funded by ONAP (in 1975, funding was decentralized to the DHEW regional offices). Some ONAP urban center funds are spent on direct provision of human services, but the majority are "intended to support staff with skills in service planning, coordination, and resource mobilization" (DHEW/ ONAP, Region V, 1975, p. 21).

There is an apparent lack of material on child welfare services to Indians in urban areas. The present CSRD research project, of which this literature review is a part, will be studying this matter in four urban sites. The information which will be gained is vitally needed as a base from which improved service delivery to Indians in urban areas can be planned.

CHAPTER 5

ISSUES PERTAINING TO SPECIFIC CHILD WELFARE SERVICES

In the first chapter, child welfare services were defined as including preventive services, supplementary services, and substitute services. This chapter reviews literature concerning the provision of each of these types of service to Indian children and their families.

Preventive Services

Preventive services are those which support the family unit and thus prevent the necessity of out-of-home placement. Preventive services are also sometimes defined more narrowly as preventing neglect (see Polansky, Hally, and Polansky, 1975), in which case services oriented toward preventing out-of-home placements are labeled supportive or rehabilitative. Preventive or supportive services may be provided by child welfare agencies or by mental health centers, child guidance clinics, family agencies, and many other human service programs. Financial assistance to the family may also function to prevent breakdown of the family unit.

Preventive services--as distinguished from financial assistance--are lacking nationwide, not just for Indian people. A recent study of child welfare services in New York City found that "the system organization makes it easier to purchase costly institutional and foster care services for children than to spend money for restoration of families" (Bennett and Weisinger, 1975, p. 31). A recent review of the literature on child neglect asks the question, "Could it be that the most important preventive program [preventing neglect] we have nationally is the maligned and troubled Aid to Families with Dependent Children" (Polansky, Hally, and Polansky, 1975, p. 37)? This point was echoed, with particular reference to Indians, in a recent statement by Raymond Butler, Chief of the Division of Social Services, BIA:

> In the Bureau's social services program, it is the general assistance financial program which affords the major preventive child welfare services. This is a program which makes available financial assistance to needy Indian families who are not eligible for financial assistance from any other source to maintain their family life (Indian child welfare hearings, 1974, p. 2).

The lack of adequate preventive and supportive services was a major issue discussed at the 1974 Senate hearings on Indian child welfare. In opening the hearings, Senator James Abourezk commented on "the lack of viable, practical rehabilitation and prevention programs for Indian families facing severe problems" (p. 2). At these same hearings, Dr. Alan Gurwitt stated, "Decisions to place the child often assume that other options have failed, whereas, too often little effort has been made to intervene early with support for the child and his family" (p. 55). Another witness, Richard Lone Dog, stated, "The BIA welfare office is basically a place where they write checks out. There is no communication between the home and the BIA as far as child guidance, home care, and counseling" (p. 156). Mel Tonkasket, president of the National Congress of American Indians, stated at the hearings that, in the state of Washington, "there are almost no preventive services being delivered to the Indian family. No way are services provided to the Indian families to help them rehabilitate" (p. 226).

In addition to these statements made at the hearings, a study of social services to Indian people by the Wisconsin State Advisory Committee on Social Services (Report on Social Services, 1972) found that "County departments are not seen as providing any services toward preventing family break-ups" (p. 5), and that services relating to parent-child relationships or other [child] adjustment problems were completely lacking (p. 8).

These statements indicate that child protective services for Indian families fall far short of the standards of the Child Welfare League of America. The introduction to this organization's published standards states:

> Originally the protection of children from neglect, abuse, and exploitation was assumed by voluntary agencies having quasi-law-enforcement functions. The focus of their activities was on protecting children from their parents by removing them from hazardous situations and by arresting and prosecuting parents.
>
> Increasingly, the focus of concern is on helping parents fulfill more adequately their parental role and on implementing social planning and action designed to identify and overcome conditions in the community that contribute to neglect and abuse of children (1973, pp. 1-2).

On 31 January 1974, President Nixon signed the Child Abuse Prevention and Treatment Act (P.L. 93-247). Monies have been made available for programs in the area of child abuse and neglect, and a number of these developed specifically for Indian

groups have been funded. They will be discussed in the next chapter, "Innovative Programs and New Approaches."

Supplemental Services

Supplemental services are defined by the Child Welfare League of America as the "second line of defense when the efforts of the parents have to be supplemented in order for the parent-child system to be maintained" (Sherman et al., 1973, p. 4). These generally are services that relieve parents of their responsibilities for part of the time, but do not substitute for the parents. Two examples are day care and homemaker services. The provision of homemaker services for Indians is not documented by the literature reviewed for this report, except for one item. The Wisconsin State Advisory Committee on Social Services (Report on Social Services, 1973) found that services such as nutritional counseling were more successful with Indian people if provided in their own homes, and if the homemaker was also an Indian (pp. 2-3). The remainder of the discussion will focus on day care services.

The Child Welfare League of America Standards for Day Care Services notes that

> It is being recognized that day care can be used for more than custodial care and protection. It can provide the experiences children need for development of their physical, intellectual,* and social potentialities. It offers opportunities for reaching children and their parents early in life, for giving support to families in times of strain and crises, and in that way for strengthening families and preventing more serious difficulties (1969, p. 4).

One major issue with regard to day care services for Indians is that Indian people wish to control or have substantial input into the experiences their young children are having. A workshop held in Denver, Colorado in 1972 to develop a model code for Indian day care emphasized that point: "There must be a heavy reliance on community people who can teach the children the culture valued by the parents such as traditional arts, crafts,

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*A study is currently being conducted by the Bank Street College in New York City to assess the needs of Indian children for the educational aspects of day care.

and folklore. Community people may not have a degree, but their knowledge in terms of the future of our children and culture is vastly greater" (Center for Community Change, 1972, p. 8).

An article by Clare G. Jerdone, child welfare specialist with the BIA, also points out that "day care services will require certain adaptations to meet the unique conditions on Indian reservations" (1965, p. 143). This article also notes the benefits of having the children's mothers become involved with the program.

The CSRD field study found that many day care programs for Indians on the reservations studied are directly funded from federal sources such as the Office of Native American Programs, and the Comprehensive Employment and Training Act (CETA). Most tribes also have Head Start programs. Many tribes have, therefore, been able to establish their own centers with less than the usual involvement in the federal-state SRS day care delivery system and its standards and licensing regulations. Licensing has been an issue in some states, however, particularly where Title IV-A or Title XX day care monies are involved. Some states have refused to license facilities on reservations, citing their lack of jurisdiction. SRS and North Dakota have recently devised a substitute arrangement for licensing on reservations (CSRD, 1975a, pp. 59-62). Another issue is the question of licensing criteria or standards. The Model Code Review Workshop mentioned earlier made the point in the quotation cited and elsewhere that tribal adults may be quite capable of providing day care and cultural enrichment experiences even if they do not have formal training.

According to the CSRD field study, far less emphasis has been placed on developing day care homes (as opposed to day care centers) due to the informal practice of using relatives for this purpose and also to the state licensing issue which arises with respect to establishing a formal day care home system with federal-state Title XX funds (1975a, p. 59).

Substitute Services

Substitute services provide twenty-four-hour care of the child in lieu of parental care. These services generally include temporary shelters, foster family home care, foster group homes, adoption, institutional care, and other residential services. The need for an out-of-home placement may arise either when preventive or supportive services are unable to maintain the

child in the home or when adequate preventive or supportive services are not available. The need for more preventive and supportive services to reduce the number of out-of-home placements of all children is a major concern in the field of child welfare (see earlier discussion of "Preventive Services").

The literature concerning substitute services for Indian children generally agrees that this need is particularly acute in the case of Indian child welfare. The two major issues reflected in this literature are the disproportionately high number of out-of-home placements of Indian children and the placement of these children in non-Indian homes or in residential facilities which are inadequate to meet their emotional and psychological needs. The remainder of this chapter discusses the two issues of the volume and the quality of placements. Several other issues concerning specific types of substitute services--foster care, adoptions, residential care, and BIA boarding schools--are also discussed.

The Volume of Out-of-Home Placements

Although there has been no widely accepted national study of this problem, most estimates indicate that the numbers of Indian children in out-of-home placements have been extremely high. A 1962 BIA study (available in draft form only) of children whose foster care was paid for by the BIA estimates a rate of placement double that for non-Indian children (BIA, 1965).

During the 1974 Senate hearings several speakers presented statistics on the numbers of Indian children in placement. Dr. James Shore of Oregon stated that 28 percent of the youth under age eighteen of the Confederated Tribes of the Warm Springs Reservation in Oregon were in placement several years earlier; 34 percent of these were in foster care placement by the state, 21 percent in boarding schools, and the remainder in tribal foster homes or other off-reservation homes (1974, p. 101).

A published article by Dr. Joseph Westermeyer, which was entered into the record, reports statistics from his study in Minnesota conducted between 1969 and 1971. He found that "the rate of foster placement and state guardianship for Indian children ran 20 to 80 times that for majority children in all counties studied" (1973, p. 50).

Several speakers referred to statistics estimated by the American Association on Indian Affairs, Inc. which were entered into the record. The AAIA estimates indicate, for example, that one of every eight Indian children in Minnesota is in an adoptive home and that Indian children are placed in foster homes at a rate

4 to 5 times as high as for non-Indian children in Minnesota, 2.6 times as high in Arizona, 15.7 times as high in South Dakota, and 9.6 times as high in Washington (Indian child welfare hearings, 1974, pp. 72-94). These figures are based on a number of assumptions and have come under some criticism. For example, a letter from the Minnesota Department of Public Welfare to the Chicago Regional DHEW office states:

> [AAIA] assumes that the average age of Indian children placed for adoption is three to four months; that all Indian children adopted are adopted by non-Indian families; and that all of the Indian children adopted in Minnesota were born in Minnesota. None of the above assumptions are valid; thus the conclusions from these invalid assumptions, which are asserted as facts, are inaccurate and portray a false picture of what is actually happening to Minnesota's Indian children (Lindberg, 1975).

The letter states that 45 percent of all adoptions of Indian children in Minnesota between 1968 and 1974 were of children who were brought into Minnesota for the purpose of adoption, mostly from Canada (Lindberg, 1975).

A memorandum from the BIA Billings Area Director to the Commissioner of Indian Affairs, BIA, agrees with the AAIA estimate that "in Montana Indian children are placed in foster homes at a rate ten times the national average." However, he disputes the AAIA estimate that 96 percent of foster care placements in Montana are of Indian children. The memorandum cites state figures as of January 1973 that approximately 30 percent of foster care placements made by the state are of Indian children. If BIA foster care placements are included, the percentage rises to 54 percent Indian. If placements in BIA boarding schools and boarding dormitories for social reasons are added, together with placements by the Indian Placement Program of the Church of Jesus Christ of Latter-Day Saints and other cases involving Indian children who are living away from home but not in foster care or in a boarding school, then Indian children account for 73.3 percent of all out-of-home placements in Montana as of January 1973 (Thompson, n.d.).

Several reasons have been suggested for the high volume of out-of-home placements of Indian children. As noted earlier, off-reservation placements were long a deliberate device for encouraging Indian children to assimilate into Anglo society. The severe lack of preventive and supportive services on reservations and in urban Indian communities contributes to the high placement rates. The admittedly high rate of alcohol abuse among Indians has caused social workers to remove Indian children

in disproportionate numbers. Shore found that alcohol abuse was the primary cause for removal in 95 percent of the cases on the Warm Springs Reservation (Indian child welfare hearings, 1974, p. 101).

Some witnesses at the Senate hearings stated that the high placement rates were caused partly by the application of culturally biased standards in judging whether or not an Indian child should be removed from his home. William Byler of the AAIA stated that the persons responsible for making decisions about child neglect may not be equipped by their professional training to decide whether or not a child is suffering emotional damage at home, in spite of conditions which might indicate neglect in an Anglo middle-class home. For example, Indian children are given a great deal more responsibility than is common in Anglo culture. They may play farther from home unsupervised by an adult (although older children are usually responsible for the younger ones) (Indian child welfare hearings, 1974, p. 4). Dr. Joseph Westermeyer also found in Minnesota that parents leaving young children in the care of eight- or ten-year-old children were charged with abandonment (1973, p. 50). An article in Indian Family Defense notes that in spite of the traditional use of the extended family for responsible child care, many social workers "consider leaving the child with persons outside the nuclear family as neglect and thus as grounds for terminating parental rights" ("The Destruction of Indian Families," 1974, p. 1).

Several witnesses at the hearings testified to another cause of high out-of-home placement rates of Indian children--the failure of officials to follow proper legal procedures in cases involving the removal of Indian children, thus taking advantage of Indian parents who were not aware of their rights. A number of the witnesses at the hearings were Indian people who had lost custody of their children, and their testimony indicated substantial abuses of proper legal procedures. These parents were often unaware of their rights and were not informed of them, and they were not given adequate advice or legal assistance at the time when they lost custody of the children (see Indian child welfare hearings, 1974, pp. 40-44, 51-54, 65-71, 222-223).

William Byler stated in the hearings: "The employment of voluntary waivers by many social workers means that many child welfare cases do not go through any kind of adjudicatory process at all" (1974, p. 5). Drs. Mindell and Gurwitt testified that one cause for the removal of Indian children was that

> the decision to remove a child from his parents is often made by poorly trained federal and state agency personnel and without the parent's understanding their rights, e.g., where they may voluntarily waive

> their parental rights without understanding the implications (1974, p. 63).

Although social workers cannot remove a child from a home without a court order, Bertram Hirsch of the AAIA notes that in the tribal courts the Indian parent usually does not have a professional attorney and may be unable to counteract the professional knowledge of the social worker through cross-examination (Hirsch, 1972, pp. 7-8). Dr. Gurwitt stated at the hearings that "the child has had no advocate in court to represent his interests, nor in most cases, [have] his parents" (Indian child welfare hearings, 1974, p. 56). Dr. Carl Mindell indicated that courts usually take the word of the welfare worker more readily than the word of the parents (Indian child welfare hearings, 1974, p. 60). William Byler, in a panel discussion printed in Current, described the case of a tribal judge who did not realize that she had the power to refuse to certify the request of the county welfare department to take custody of reservation children (Byler, Deloria, and Gurwitt, 1974, pp. 33-34). In contrast, in cases involving non-Indian children, a review of the literature on child neglect cites five sources for a statement that "judges are appropriately cautious about affirming petitions to remove children for neglect for legal reasons" (Polansky, Hally, and Polansky, 1975, p. 8).

An important issue with regard to the placement of Indian children is the effect on the children and on the family. Westermeyer found in Minnesota that "when the children were taken away by a social agency, the Indian couple split up immediately or soon afterwards (no exceptions to this were encountered by the authors or reported by informants)" (1973, p. 50). A witness at the hearings from Pine Ridge, South Dakota who works with AAIA reported on a survey she made on the Rosebud Reservation. She stated, "I found most of the people are concerned about the Indian children, but it seems to me like once an Indian family loses a child, they give up" (Indian child welfare hearings, 1974, p. 151). Dr. Shore testified, "Once placement of the children has been initiated, Indian parents often withdraw, become depressed and begin or resume intensive drinking" (1974, p. 102).

A BIA workshop on "Social Services for Parents of Children in Boarding Schools" reported:

> Research indicates the door of a child's home begins to close behind him when he leaves home and that if we are going to help families we must get our foot in that door to prevent its closing. Once there has been a break in a parent-child relationship that relationship is difficult to re-establish (BIA, "Minutes," 1970, p. 6).

Placements in Non-Indian Homes

It is generally agreed that large numbers of Indian children are placed in non-Indian foster or adoptive homes. A number of witnesses at the hearings testified to this. Westermeyer found that in Minnesota in 1969, of over 700 foster homes caring for Indian children, only two had an Indian parent (1973, p. 50), although in his testimony at the hearings he stated that more Indian foster homes have been recruited since 1969 (Indian child welfare hearings, 1974, p. 46). An evaluation of the Seattle Alternative to Foster Care project states that a 1974 survey of placements of Indian children in Washington found that 114 of 159 children (72 percent) were placed in non-Indian homes (Ishisaka, 1974, p. 2).

The BIA 1962 study (available only in draft form) of children in BIA-supervised foster care found "over half of the foster mothers were Indian, over two-fifths of the foster fathers." The percentages were somewhat lower for children whose supervision was shared by the BIA and the state or county welfare department (BIA, 1965, p. 35). The 1972 follow-up study (also available only in draft form) found Indian parents in about 65 percent of the BIA-supervised cases (BIA, 1975, Part VI, p. 1). It should be noted that the figures for 1962 and 1972 are not comparable, as the 1962 study asked about mothers and fathers separately and the 1972 study did not.

Indian children placed for adoption have also frequently been adopted by non-Indian families. A witness at the hearings cited statistics from the Tripp County (South Dakota) Welfare Department that show that from 1967 through 1974, 898 Indian children were adopted, 354 by Indian families and 544 by non-Indian families (Indian child welfare hearings, 1974, p. 155). Partly because of the decreasing numbers of Anglo children available for adoption and changing attitudes toward interracial adoptions, the demand for Indian children for adoption has increased dramatically (Indian child welfare hearings, 1974, p. 116).

Large numbers of Indian children have been placed in non-Indian homes not only by local, state, county, BIA, and private agencies but also by a national adoption clearinghouse managed by the Child Welfare League of America. This clearinghouse was established in 1958 with financial support from the BIA due to BIA concern about the numbers of Indian children in long-term foster care. The Indian Adoption Project was established as a joint project of the BIA and the CWLA to "stimulate on a nationwide basis the adoption of homeless American Indian children by Caucasian families" (Lyslo, 1964, p. 12). Since neither agency is an authorized adoption agency, placements were made by approved local agencies. From the beginning of the project through 1967 when it became part of the Adoption Resource Exchange of North

America, 395 children were placed. As Joseph Reid, executive director of the Child Welfare League, wrote:

> The early adoptive placements were far from the reservation geographically as well as culturally. In fact, well over half of the 395 placements were made in the Eastern states. However, the receptivity of families in distant states led agencies in the children's home states to take a new look at the Indian child's adoptability, with the result that more Indian children were adopted by Caucasian families in the states where the Indian children had their origins (Fanshel, 1972, p. xix).

The Child Welfare League also conducted a survey in 1966 of ninety public and voluntary agencies in states having large Indian populations. They found that 696 children of "Indian extraction" were placed with Caucasian couples, 14 with Indian couples, 32 with Indian-Caucasian couples, and one with a Mexican-Indian couple. The remainder were placed with Negro, Mexican, or Oriental couples (Lyslo, 1967, p. 23).

During the course of the Indian Adoption Project several articles were published by the project staff or staff of participating agencies describing its progress and encouraging additional adoption agencies to participate (Lyslo, 1960; Lyslo, 1961; Hostbjor, 1961; Davis, 1961; Jenkins, 1961; Lyslo, 1964; Lyslo, 1967). These articles demonstrate that there was recognition on the part of project staff that illegitimate children are accepted by tribes and the extended family, and also that some tribes did not want their children adopted by Anglo couples. However, the project also believed it performed an important service for those children in foster care for whom no permanent plans had been made and that in time those tribes opposing the projects would acquiesce (Lyslo, 1961, pp. 4-5). The project and specific families who had participated were described in newspapers and popular journals, resulting in large numbers of inquiries from couples interested in adopting Indian children (Teltsch, 1967; Silberman, 1965 and 1966). Although many had felt at the start of the project that Indian children would be hard to place, by the late 1960s it became very clear that there was a large demand for Indian children on the part of Anglo parents.

The results of placements of Indian children in non-Indian homes have become of grave concern for many Indian people and also for non-Indian people who work with them, especially psychiatrists, psychologists, and social workers. One concern is that the Indian cultures are being destroyed by this practice since so many Indian children are not learning Indian ways. A typical Indian view was expressed by Mrs. Phyllis Fast Wolf, an Oneida living in the Uptown area of Chicago: "Thinking Indian is a way of life and I

think that these children should have an opportunity to learn our heritage and set of values" (George, 1974). This concern was also expressed by a number of witnesses at the Senate hearings; for example, one witness labeled the pattern of placements "another form of that systematic form of genocide" (Indian child welfare hearings, 1974, p. 146).

Beginning in the late 1960s, many tribes have taken the formal legal action of forbidding off-reservation placements as a way of expressing their opposition to the high number of placements with non-Indian families. In 1974, the National Congress of American Indians (NCAI) passed a resolution which stated:

> There is a serious crisis in social services to Indian families and children resulting in:
>
> 1. Placement of Indian children in non-Indian foster homes
> 2. Adoption of Indian children by non-Indian parents
> 3. Eroding of traditional life and custom and eventual breakdown of Indian family life
> 4. Absence of supportive services to family as they experience problems in daily living (NCAI, 1974, p. 20)

The second aspect of the placement of Indian children in non-Indian homes that is of concern is the psychological damage to the children that may result. When children are placed away from the reservation, as one author writes, they "face breaking ties not only with parents and siblings but also with friends, relatives, community, culture, and everything familiar" (Jones, 1969, p. 301). Several of the psychiatrists who testified at the hearings also reported on the ill effects suffered by children removed from their homes and placed in unfamiliar environments. While this issue is not specific to placements of Indian children, it is exacerbated by the cultural differences experienced by the Indian child placed in a non-Indian home.

If an Indian child is placed in a non-Indian home while he is still a baby, problems may arise in later years, particularly during adolescence. Dr. Westermeyer testified that the adolescents and adults he had seen in his practice had been "raised with a white cultural and social identity"; then, "during adolescence they found that society was not to grant them the white identity that they had." They encountered this in many ways, including pressures from white parents for their children not to date the Indian children, derogatory name-calling, and difficulty obtaining jobs and credit (Indian child welfare hearings, 1974, p. 46). The problem is compounded by lack of an Indian peer group and family to support them in this

identity crisis (Indian child welfare hearings, 1974, p. 49). Another witness, Mel Sampson, a tribal councilman of the Yakima Indian Nation, stated, "They literally suffer when they discover that their physical appearance is not that of their adopted parents. . . . The wonderment and the search for true identity is crucial and probably, at times, never completed" (p. 116). The evaluation of the Alternative to Foster Care project in Seattle states that placements of Indian children in non-Indian homes, "regardless of their quality, pose serious questions regarding the degree of ethnic-identification possible for children so placed, and the effect of ethnic-identification on general identity formation" (Ishisaka, 1975, p. 2).

In 1960 a research project was funded by SRS/DHEW to study the characteristics of a sample of the adopting couples and to learn more about the experiences of the families and children for a five-year period after the placements. The purpose of the research was to learn more about interracial adoption in general and to encourage the expansion of interracial adoption policies if favorable results were found (Fanshel, 1972, p. iii). A brief description of the research in Child Welfare noted that adoptive agencies were fearful about the motivations of couples seeking transracial adoptions and that the research would attempt to learn more about this area (Fanshel, 1964, p. 486).

The methodology of the study was to interview the adoptive parents in five annual interviews. The children were rated by the parents on a number of physical and behavioral characteristics. The findings were comparable to those of other studies of adoptees, with about 75 percent considered "successful." However, with regard to the issue of the psychological impacts due to identity conflicts, it should be noted that the children were all still of preschool age. As Fanshel notes, "because of the young age of the children, it is still too early to determine how the children have integrated the information that they are of a different racial background from their parents" (1972, p. 337).

In discussing the policy question of whether or not the transracial adoption of Indian children should be encouraged, Fanshel states,

> While approval was given by [Indian tribal organizations] for a limited number of such adoptions when the Indian Adoption Project was launched, this took place over ten years ago. The climate for transracial adoption has changed in that minority groups tend to see this as the ultimate indignity that has been inflicted upon them. . . . It is my belief that only the Indian people have the right to determine whether their children can be placed in white homes (1972, p. 341).

A recent publication by the CWLA states that the League's policy has always been that placement with a family of the same racial or ethnic background is preferable to placement with a family of a different background, although "a child should not be deprived of a family because of unavailability of one of the same race" (Grow and Shapiro, 1974, p. i).

As agency policies shift to become less favorable toward placement of Indian children with non-Indian adoptive and foster families, an important issue is whether there are barriers which limit the number of Indian families which can take in foster and adoptive children. It is often asserted in the literature that there are two major factors which discourage Indian families from adopting or taking in a foster child: (1) Indian families may not apply to be foster or adoptive parents because they do not have the means to support additional children; and (2) Indian families are frequently not accepted when they do apply because their homes do not meet the physical standards established by child welfare agencies.

With regard to financial ability, the AAIA recommended at the Senate hearings that Indian families and foster or adoptive parents be provided with adequate means to meet the needs of Indian children in their care (Indian child welfare hearings, 1974, p. 7). The BIA does have a program of subsidizing Indian adoptive parents, but the CSRD field study found that it had been little used in one state with a large Indian population, and that some county and BIA agency social workers were unaware of the program (1975a, pp. 48-49).

The application of Anglo middle-class standards in licensing foster homes and permitting couples to adopt has been discussed as a major Indian child welfare problem by a number of concerned people. At the Senate hearings (1974), Byler stated,

> I think one of the primary reasons for this extraordinary high rate of placing Indian children with non-Indian families rather than in Indian homes is that the standards are based upon middle-class values; the amount of floor space available in the home, plumbing, income levels. Most of the Indian families cannot meet these standards and the only people that can meet them are non-Indian (p. 5).

Bertram Hirsch, a lawyer for AAIA, agreed:

> I have found, in my own experience, that these standards often include, for example, hot and cold running water, no outhouses, situations

> where families must provide separate beds for each child. . . . These types of conditions are common in certain Indian communities and therefore, Indians are automatically excluded from receiving children in foster placement or adoptive placement (p. 36).

As Dr. Gurwitt noted, some important criteria are not taken into consideration, such as "what constitutes a warm, giving, adequate home, a psychological home" (Indian child welfare hearings, 1974, p. 56).

The Wisconsin State Advisory Committee on Social Services found that "the Indian people believe they can provide adequate foster homes based on their values, but the county departments' middle class values many times preclude them from consideration" (Report on Social Services, 1973, p. 4). The CSRD field study found that standards used in licensing foster homes were more of an issue to tribes than the fact of state licensing per se. Standards for physical facilities were felt to be unrealistic for on-reservation homes, and many tribal respondents expressed a desire to have input into the formulation of licensing standards (1975a, pp. 54-55).

Recommendations for changing standards for Indian foster homes were also made by a Joint Task Force appointed by the governor of Washington and by the North American Indian Women's Association (NAIWA). The Joint Task Force recommended that "the welfare requirements and regulations defining the standards for foster homes be adapted for Indian children to be more relevant to Indian standards, traditions, and desires" (1972, p. 49). NAIWA recommended that, "In licensing Indian foster parents, the primary consideration should be love and understanding, not the physical standards of the house. The house should meet community standards and have space to shelter the child" (1973, p. 62).

A Program Instruction issued on 30 December 1974 by the Social and Rehabilitation Service endorsed the concept of special standards for Indian foster homes. It stated:

> Standards employed in determining the fitness of homes for children are not attuned to Indian society. . . . If different standards would be more likely to accomplish the goals of the [Social Security] Act, they are permissible to remove the hardship, and in extreme cases may be required (DHEW, SRS, 1974, pp. 4-5).

There is evidence in the literature that standards are being relaxed by some agencies in order to facilitate the recruitment

of more Indian foster and adoptive families. A follow-up report on the implementation of the NAIWA recommendations found that the recommendation quoted above was reported to be in effect by six of the nine BIA area offices having a social services program (BIA, Division of Social Services, 1975, p. 10). Of course, this does not include placements made by county or state departments of welfare.

Efforts are also being made to recruit more Indian foster and adoptive homes. The CSRD field study reported that substantial numbers of Indian foster homes had been recruited at several of the reservations studies including Yakima, Rosebud, and Navajo (1975b, pp. 32-34, 39). The state of Washington is incorporating into its social services manual specific requirements that agencies make substantial efforts to recruit Indian homes prior to placing Indian children in non-Indian homes (CSRD, 1975b, p. 40).

Foster Care Issues. In addition to the issues of placement of large numbers of Indian children and placements of Indian children in non-Indian homes, several issues have been raised in the literature that are specific to foster care. These include long-term placements, multiple placements, poor follow-up with the natural parents, and problems with the use of relatives for foster care.

According to the evaluation of the Alternative to Foster Care project, "due to the general lack of services available to Native American natural parents to regain custody of their children and avert future child separation, the temporary function of foster care as an emergency step to protect children with plans to return children to parental custody is, in the majority of cases, an exception" (Ishisaka, 1974, p. 2). A study of the BIA Billings Area foster care children found that 54 percent had been in foster home care for two or more years, and 25 percent for four or more years (Thomte, 1962, p. 14). Data from the 1962 and 1972 BIA studies of foster care show that a higher percentage of children had been in placement over two years in 1972 than in 1962, suggesting that the problem has not improved.* However, those children under supervision shared by the BIA with state or county departments of welfare had lower percentages in placement over two years than did those under supervision by the BIA only (BIA, 1975, Part IV, p. 1).

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*Caution should be exercised in interpreting these figures and particularly in comparing statistics from the 1962 and 1972 studies, which are not strictly comparable.

The problem of long-term foster care is not unique to Indians in this country, although it is present in greater proportions than in the total population (cf. Sherman, Neuman, and Shyne, 1973, p. 3). This study, done under the auspices of the CWLA, describes the problem nationwide. The results of long-term foster care can be devastating for the child, as the foster parents and child must keep themselves from deep and permanent attachments due to the constant fact of imminent separation (Sherman, Neuman, and Shyne, 1973, pp. 3-4).

The problem of long-term placement is exacerbated by the placement of many foster children in one foster home after another. The 1974 survey in the state of Washington (Ishisaka, 1975, p. 3) found the following figures on the number of placements of 150 Indian children:

Number of Placements	Percent
1	19
2	32
3	15
4	11
5-8	23
9+	1

Two BIA studies show higher percentages with only one placement--about one-half of the children (Thomte, 1962, p. 11; BIA, 1975, Part IV, p. 1).

Two psychiatrists testified at the hearings about the damaging effects of multiple placements (again not necessarily unique to Indian children). Dr. Gurwitt stated, "There is a pervasive sense of abandonment, a sense of depression, and a sense of having been neglected and anger in regard to that. . . ." (Indian child welfare hearings, 1974, p. 56). According to Dr. Westermeyer, "Difficulties such as chronic insecurity, free floating anxieties, panic reactions, difficulty adapting to family life and adulthood, were characteristics present among them, as they are among non-Indian people raised in this manner" (Indian child welfare hearings, 1974, p. 45).

The problem of lack of follow-up services to natural parents was documented by the NAIWA study. With regard to the natural parents, the study found that they would like to see a caseworker at least once a month but that this did not usually occur. They also expressed a desire for regular written reports on their children in foster care. The lack of follow-up with the child's parents is another aspect of the problem discussed earlier, i.e., that efforts are not expended to rehabilitate the family so the child may return.

One key problem with regard to the use of relatives for foster care is that, although this is the traditional Indian way of caring for children in need, relatives may receive less financial assistance for caring for a child than would nonrelated foster parents. Children living in the home of relatives may receive regular AFDC grants, but unless the relatives are licensed as foster parents, they will not receive the AFDC rate for foster care, which is substantially higher (CSRD, 1975a, p. 54). The NAIWA study recommends, "If relatives will care for an Indian child who needs foster care, that relative should meet the licensing requirements and should be paid the same rate as a non-related foster parent" (1973, p. 62). This recommendation is reported to be in effect in five of the nine area offices for BIA foster care (BIA, Division of Social Services, 1975, p. 10).

Adoption Issues. In addition to issues about removal of Indian children and placement in non-Indian homes, there are several issues specific to adoption. These are: loss of tribal enrollment by an adopted child; counseling of unwed mothers; the feeling that a child belongs to the tribe, not just to his parents; and the fact that adoption as legally defined by the dominant culture, including termination of ties to the natural parents, is an alien concept in Indian culture.

The CSRD field study found that Indian children who were adopted by off-reservation couples in some cases were not enrolled with the tribe and thus lost all benefits accruing to tribal members, although most respondents stated that Indian children were enrolled prior to placement. The Child Welfare League of America's Indian Adoption Project enrolled the children prior to placement, and set up a system to provide the child with benefits upon maturity which protected the anonymity of the natural and adoptive parents (Fanshel, 1972, pp. 41-42). A related issue was raised by Mel Sampson at the Indian child welfare hearings. He stated, "Annually, adopted and foster children who are tribal members, receive income in the form of dividend, lease, or settlements payments" (1974, p. 118). The money is released to the minor's parents who then may spend it as they see fit. The Yakima Tribal Council has requested that the money be kept in the child's account until the age of majority (Indian child welfare hearings, 1974, p. 118).

Little has been written on counseling the Indian unwed mother. A county social worker published an article in 1961 on this subject which acknowledged the acceptance of illegitimate children by the tribe and the care provided by relatives. This social worker saw her adoption counseling as being directed at those Indian unmarried mothers who did not want to keep their children or were unable to care for them, and who did not have other relatives who could assume responsibility (Hostbjor, 1961, p. 9).

The BIA has recently changed its policies for counseling unwed mothers at boarding schools. A school guidance staff person contacts the home agency social worker, who then contacts the girl's family. Plans are worked out and counseling provided to the girl, her family, and to the father and his family if the couple wish to get married. A Maternal and Infant Care Project at Toyei boarding school offers continued education for girls who do not want to remain at home, while they are pregnant and for a while afterwards, if they choose to keep the baby. The small percentage who choose to place the baby for adoption are found to need assistance in resisting the opposition of their families (Howard, n.d.a).

While these two statements are permissive toward allowing the unwed mother to keep her child, one witness at the Indian child welfare hearings testified about cases in which county or state social workers pressured unwed mothers to relinquish their children for adoption (1974, pp. 154-155). The extent of this practice is not documented, however.

The belief that a child belongs to the tribe, and not just to his natural parents, was expressed by several tribal respondents to the CSRD field survey (CSRD, 1975a, p. 49). A state social worker agreed that mothers are criticized by the group when they relinquish children for adoption outside the tribe (Hostbjor, 1961, p. 9). This feeling by tribal members was also acknowledged but not accepted by a state social worker who stated, "I think the welfare of the child is paramount to that of the tribe or of grandmother" (McDowell, 1974).

The final issue specific to adoption is that of termination of parental ties. The CWLA and state laws state that the legally binding termination of parental rights is necessary for the protection of the child, the natural parents, and the adoptive parents. Indian respondents to the CSRD survey stated that the concept of taking a person into the family is traditionally Indian, but that the concept of termination of relations with natural parents is foreign to them. The Navajo Tribe has prepared an adoptive code which spells out certain areas of relatedness which persist beyond adoption (CSRD, 1975a, p. 50).

Residential Care Issues. The most serious problem in the provision of residential care for Indian children is that there are not enough group homes on reservations. The CSRD study found that only three of the ten reservations included in the study had tribally-run group care homes (CSRD, 1975a, p. 24). A witness at the 1974 Senate hearings, Mel Tonasket, testified that there were no Indian group care homes in the state of Washington (p. 227). The NAIWA study found a need for group homes on the reservations for teenagers, as foster parents generally prefer preadolescents. NAIWA recommended that there

should be at least one group home, staffed by Indian houseparents, per reservation (1973, p. 84).

BIA Boarding School Issues. The primary form of group care provided for Indian children who are removed from their homes has been the BIA boarding school. Boarding schools were originally founded for the purposes of civilizing and assimilating the Indian through removal of the child from the influences of the tribe and family. They later came to be used as substitutes for parental care. One study reports that boarding schools

> are being used as group foster care facilities, designed to provide living accomodations for children who must be removed from their home settings. In theory, these are short-term placements, designed to provide temporary care for one or two years until the situation at home has improved enough to allow the child to return. In reality these tend to become permanent plans, and many children entering boarding schools in the early grades will remain in boarding schools until they graduate or drop out as teenagers (Lutheran Social Services of South Dakota, 1970, p. 19).

In 1974 the BIA was operating seventy-five boarding schools enrolling over 30,000 students (Indian child welfare hearings, 1974, p. 380). The number attending BIA boarding schools has been declining gradually over recent years. The NAIWA study found that 75.9 percent of placements in the fourteen boarding schools surveyed in 1972 were made for social reasons (1973, p. 72). BIA social workers use the following criteria in selecting children to be placed in boarding schools for social reasons:

1. Those who are rejected or neglected for whom no suitable plan can be made
2. Those who belong to large families with no suitable home and whose separation from each other is undesirable
3. Those whose behavior problems are too difficult for solution by their families or through existing community facilities
4. Those whose health or proper care is jeopardized by illness of other members of the household (Kennedy report, 1969, p. 72)

In spite of the fact that large numbers of boarding school students are there for "social reasons" as well as for getting an education, the literature reports that most boarding schools

have grossly inadequate means for dealing with the social and personal problems of the children. As Ramona Osborne of the BIA testified at the 1974 Indian child welfare hearings,

> Here we have students enrolled who have special problems and special needs, yet, the programs which are offered by these boarding schools and the staffing of these schools, do not reflect in any way that these programs are based or directed toward culminating the needs of these students (p. 380).

Several of the evaluations of boarding schools conducted for the Kennedy hearings in 1969 stated that the numbers of staff at boarding schools who are trained to give psychological counseling are extremely inadequate (pp. 71-79). Fuchs and Havighurst found that

> The needs of Indian youngsters with serious emotional difficulties are met only minimally in the boarding schools. Most schools do not have professional psychiatrists in residence. There are two categories of counselors: regular school counselors and "instructional" or dormitory aides. Unfortunately, most of these people have had no training to engage in personal counseling. There are also supervisory aides who oversee the dormitory programs; some of these may be qualified to counsel (1973, p. 240).

A study of boarding schools by ABT Associates, commissioned for the Kennedy hearings, found that the ratio of guidance counselors to students was "approximately 1:600, counselors often lack professional training, and receive insufficient supervision; . . . and psychological counseling is almost nonexistent" (1969, p. 64).

The NAIWA report found that "there is definite need for more professional training for the Instructional Aides and Night Attendants who are with the students in their out-of-school hours" (1973, p. 65). The instructional aides are often told that they must not discuss the children's problems with them as they are not qualified to do so, yet they are the major contacts for the children in their out-of-class hours (Bergman, n.d.a, pp. 6-7). Another study found that counseling personnel are over-burdened with noncounseling tasks, including discipline, and concluded that a high priority need is for more counseling services for Indian students (Dlugokinski and Kramer, 1974, p. 670).

Compounding problems stemming from too few counseling staff in the boarding school, it is reported that there is a lack of communications in the schools between dormitory counselors,

guidance counselors, and instructional staff (Hammerschlag, Alderfer and Berg, 1973, p. 1098; Bergman, n.d.b; Hartle and Hartle, 1963, p. 30); and in the larger system between the referring social worker and the school counseling staff (Kennedy report, 1969, p. 76; Lutheran Social Services of South Dakota, 1970, p. 21).

In the late 1960s, the BIA instituted a project, "Social Services in Support of Education," for the purpose of providing social services to parents of children admitted to boarding school on social criteria. Social workers were assigned to agency offices for this project, but apparently fewer than fifteen positions were established (BIA, 1970b, p. 1; Jerdone, 1971, p. 3). Jerry Jolly has described the magnitude of the problems faced by these workers (n.d.).

In addition to the lack of trained counseling staff, it is reported that there are also too few staff in the dormitories to accomplish anything but maintaining order (Bergman, n.d.a, p. 6). The ABT Associates study found a usual ratio of about one-hundred children to one counselor (Kennedy report, 1969, p. 64). The result is impersonal training and discipline, rather than the love that a child would experience at home or in a foster home (Wauneka, 1960, p. 10). The children have no one "to whom they relate and with whom they can share their troubles or achievements" (Fuchs and Havighurst, 1973, p. 233). The NAIWA study also found high student staff ratios and recommended a ratio of one staff person to fifteen students. The BIA is making twice yearly reports on progress in implementing the NAIWA recommendations for boarding schools. The report of March 1975 showed that some schools have already achieved that ratio, but the majority cite lack of funding and employment ceilings as barriers to implementation (BIA, Indian Education Resource Center, 1975).

There are other characteristics of some boarding schools which detract from their ability to help the social problems of the children and which in fact are probably harmful to them. One of these is a lack of recreational facilities and activities for the considerable number of out-of-class hours the children spend each week (Kennedy report, 1969, p. 64; Shook, forthcoming, p. 58; NAIWA, 1973, p. 65).

Other writers report that the physical facilities of boarding schools are sometimes demoralizing in their austerity, and the dormitory situation usually allows the children no privacy (Fuchs and Havighurst, 1973, p. 233; Kennedy report, 1969, p. 76; Shook, forthcoming, p. 22). Discipline is frequently strict and rigid, to the extent that teenagers cannot develop a sense of independent planning and responsibility for their

actions (Fuchs and Havighurst, 1973, pp. 235, 241; Wauneka, 1960, p. 11; Brightman, 1971, p. 18; Bergman, n.d.a, p. 7; Kennedy report, 1969, p. 64; Alley and Davison, 1972). The BIA is currently attempting to alleviate these problems (Shook, forthcoming; BIA, Indian Education Resource Center, 1975), and policy on student rights is being drafted ("Student Rights and Responsibilities," 1974).

Another criticism of boarding schools has been the age at which children are sent, which is often as young as five or six years old (Indian child welfare hearings, 1974, p. 11; Fuchs and Havighurst, 1973, p. 229; Leon, 1960, p. 14). In 1967 the first Kennedy hearings learned that over 7,000 Navajo children under age ten were in boarding schools on the Navajo Reservation, mostly due to a lack of accessible day schools. The traumatic impact on such young children caused by separation from their families and placement in large impersonal institutions has been documented by several sources close to the problem (Leon, 1960; Bergman, n.d.a, b; Kennedy report, 1969, p. 67; Wauneka, 1960, p. 11). The problems caused by the placement of young children in boarding schools are compounded by distance from home and the fact that parents have not always been allowed to visit them or take them home on weekends (Kennedy report, 1969, pp. 67-68; Krush and Bjork, 1965, p. 96).

The psychological impact of growing up in the boarding school setting has been of deep concern to a number of psychiatrists, psychologists, and social workers who have worked with children from boarding schools. A study at Flandreau Indian School in South Dakota found what the researchers termed "psychological nomadism--a condition which obtains when the child is exposed not only to repeated changed in loci but to repeated changes in the constellations of his meaningful persons" (Krush et al., 1966, p. 871). They also described the confusion of cultural values and standards faced by the child in his contacts with so many different adults on a daily basis. The result is a "chameleon-like" response to the particular value situation of the moment (Krush et al, 1966, p. 873-875). Another researcher found that the divergence between home and school cultures is so great that the children learn to "play two different games" (Hobart, 1968, p. 13).

Some results of the psychological impacts on boarding school children include running away (Howard, n.d.); suicide attempts (Harvey, Gazay, and Samuels, 1973, p. 5; Brightman, 1971, p. 18); emotional disturbances such as feelings of abandonment, worthlessness, helplessness, and the raising of neurotic defenses against these feelings (Howard, n.d.b, p. 2; Kleinfeld, 1973b, author's preface and passim).

The boarding schools, as with so many of the federal programs, have suffered from a lack of Indian control (Indian child welfare hearings, 1974, p. 129; Bergman, n.d.b, p. 11; Kennedy report, 1969, p. 65). Indian staff members have usually been in positions of little authority and have developed feelings of powerlessness to an even greater extent that the students (Hammerschlag, Alderfer, and Berg, 1973, p. 1101). NAIWA has recommended that Indian parents be given greater control in all aspects of student life (1973, p. 76); the BIA reports that most schools are actively pursuing this goal in terms of obtaining input from parents, although actual control is rare. The Rough Rock Demonstration School on the Navajo Reservation, entirely run by the Indian community, will be described in the next chapter.

Given the numerous problems with boarding schools, one might wonder why they are allowed to continue. One of the reasons is economic, i.e., the school plants are already built and the construction of enough day schools would be costly; there is also a lack of all-weather roads in some areas, especially the Navajo Reservation (Indian child welfare hearings, 1974, pp. 4 and 6; Kennedy report, 1969, p. 70; Fuchs and Havighurst, 1973, p. 230). Critics maintain that these problems could be overcome, particularly the latter, citing the fact that an extremely high percentage of Navajo children attend Head Start classes.

In addition, it has been reported that many parents appreciate having the boarding schools available to assist them in providing physical necessities for their children. A tradition of sending troublesome youngsters to boarding school has also developed over the years (Indian child welfare hearings, 1974, pp. 11, 129, 131, 257; Beiser, 1974, p. 305; Fuchs and Havighurst, 1973, pp. 231, 242).

On the assumption that boarding schools will not be phased out in the near future, the present BIA impetus is to improve them to the point where the problems discussed above are eliminated insofar as possible. A model dormitory project at Toyei elementary boarding school on the Navajo Reservation was begun in 1969. The basic program was the hiring of thirty-two additional houseparents (instructional aides) and provision of continuous in-service training to them. The ratio of children to adults was lowered to twelve to one, and all of the houseparents were Navajo (Bergman and Goldstein, n.d., p. 6; Goldstein, 1974, p. 87). An extensive outside evaluation was done, using a control school and developing special tests. The evaluators concluded, "we feel that the Model Dormitory not only had a significant effect as measured by objective test results, but that there are indications it may have prevented serious emotional problems from developing in some children and may have offered others

a chance to develop their capacities to an unusual extent" (Oetting and Dinges, 1973). The project, originally funded by the BIA, IHS, and the U.S. Office of Education, has since been allowed to lapse due to lack of funding (Indian child welfare hearings, 1974, p. 12).

More recently, recommendations for the improvement of boarding schools have been made by NAIWA (1973, pp. 76-78) and criteria for various services and facilities have been established by the BIA for out-of-class activities including dormitory life (Shook, forthcoming, passim). Attempts are being made to implement these recommendations, but financial limitations remain a major barrier (BIA, Indian Education Resource Center, 1975, passim).

In Alaska, the state-operated dormitories were closed down in favor of a "boarding home" program, in which the children (junior high and high school age) live with families in urban areas and attend public schools (BIA, Juneau Area Office, 1974, p. 95). This system also had disadvantages over local village education, mostly due to the problems of adjustment of rural teenagers to urban life (Kleinfeld, 1973a, 1973b), and the state of Alaska has just appropriated money to fund a system of village high schools.

CHAPTER 6

INNOVATIVE PROGRAMS AND NEW APPROACHES

Until recently, most Indian child welfare services have been substitute services and there have been almost no programs controlled by Indian people. In recent years federal agencies have funded a number of research and demonstration projects in the area. Most of the projects described in this chapter are innovative in one or both of two ways: (1) they focus on rehabilitation of the family rather than removal and placement of the child; (2) they are primarily staffed by Indian people or are planned and controlled by Indian tribes or other Indian organizations. Not included in this chapter are related programs such as recreational programs, alcoholism projects, and Head Start projects.

The projects described in this chapter are those on which materials were obtained during the course of the literature search; other projects probably exist which would qualify for inclusion in this chapter. It should also be noted that some of the projects discussed below have not obtained continuation funding, for example, the Alternative to Foster Care Project in Seattle, the Rural Areas Social Services Project in Alaska, and the Devils Lake Parent-Child Development Center.

Services to Children and Their Families

Child Abuse and Neglect Projects. A number of child abuse and neglect demonstration projects have recently been funded by the National Center on Child Abuse and Neglect, Office of Child Development/DHEW. A brief description is given below for seven projects which primarily serve Indians. As the information is obtained from the proposals, the actual structure and services provided by the projects are unknown.

1. Makah Child Development Services Center
   Makah Tribal Council
   Neah Bay, Washington

The oldest of these projects is the Makah Child Development Services Center, which began 1 July 1974. This project, developed and run by the Makah Tribal Council, established four basic program areas: (1) preventive programs emphasizing parent education; (2) early warning of potential cases by identifying causal patterns and by improved communication among

all involved agencies; (3) rapid detection of incidences of abuse or neglect; and (4) effective treatment of the children and working with the parents. The major mechanism was to be a child development council composed of one representative from each agency and a representative group of community parents, with a child development services coordinator to perform the staff work for the council (Makah Tribal Council, 1974, pp. 1-12). Some evaluation has been done for the Makah project. Site visits were made by DHEW personnel throughout the first project year (Cohn, et al., 1974-75). The Berkeley Planning Associates (1975) conducted a formal evaluation of this and nine other child abuse and neglect projects.

Both the DHEW team and the formal evaluators found that the project had expanded beyond its original goals to provide a variety of services, most of which are preventive (for example, planning recreational activities for teenagers and acting as an ombudsman for all types of social services). The project works closely with the Washington Department of Health and Social Services, which has the legal responsibility for delivering child welfare services in the state. The project closely follows the progress of each family it has identified as needing help, and there was an intention to expand this responsibility in the second year of the project.

2. Urban Indian Child Resource Center
   Indian Nurses of California, Inc.
   San Pablo, California

The Indian Nurses of California, Inc. were funded to establish an Urban Indian Child Resource Center in the San Francisco Bay area. The state objectives of the center were to coordinate "needed services from existing agencies, to identify gaps in services, to aid in developing resources to meet these needs" (Indian Nurses, 1974, pages not numbered). Program components were to include:

a. four Family Representatives to be assigned individual children; to assess needs and arrange for services, accompanying the family to the agencies; to be always on call and have a caseload of five families

b. arranging for twenty-four hour contract services, e.g., alcoholism centers

c. provision of a twenty-four hour shelter for ten children

d. identification of Indian foster homes and volunteer families to help newcomers become settled

e. identification of potential Indian adoptive families

f. research and evaluation

g. technical assistance and information dissemination for other agencies (Indian Nurses, 1974)

It can be seen from the above program components that the project intended to participate in a broad range of child welfare services, rather than be limited to preventive/ supportive services.

3. Project Ku nak we sha'
Confederated Tribes and Bands of the Yakima Indian Nation
Toppenish, Washington

The Confederated Tribes and Bands of the Yakima Indian Nation operates a project with the objective of reaffirming and strengthening traditional tribal ways of caring for neglected or abused children. Direct services are to be provided to children in their own homes on an emergency twenty-four hour basis and until parents are able to resume their duties; temporary shelter is to be provided if removal is necessary; coordinated services are to be provided to families with multiple problems. This project plans to obtain the legal authority to accept custody and supervision of dependent children and to make foster care and adoptive placements. Casework service is to be provided, with psychiatric and social work consultation available (Confederated Tribes, 1975, pp. 16-26).

4. Choctaw Center on Child Abuse and Neglect
Mississippi Band of Choctaw Indians
Philadelphia, Mississippi

The Mississippi Band of Choctaw Indians has also had a Center on Child Abuse and Neglect funded. The project intended to begin by having the Tribal Council appoint a commission to "define, in a manner consistent with Choctaw traditions and acculturative patterns, what exactly constitutes child abuse and child neglect on the reservation" (Mississippi Band of Choctaw Indians, 1975, p. 14). Training in applying these definitions would be provided for tribal, BIA, and IHS employees, and others, a total of about eighty-seven persons who would then be involved in the identification of neglect and abuse cases. Families would also be referred by the Choctaw tribal court and by Choctaw Youth Court Referees to each of the three county courts.

A team would provide preventive casework services to target families, and traditional medicine men would also be employed. Each community would have a Review Board to determine when a child should be removed and when he could be returned to the family. Seven emergency foster homes would be established. Day care services would be provided to those families for which they were currently not available (Mississippi Band of Choctaw Indians, 1975, pp. 14-29).

5. Cook Inlet Native Association Child Abuse and Neglect Program
   Cook Inlet Native Association
   Anchorage, Alaska

A Child Abuse and Neglect Program was also funded to the Cook Inlet Native Association for the purpose of designing an urban support system in Anchorage to "provide the kind of services, emotional support and care that the extended family offers in a rural village" (Cook Inlet Native Association, 1975, p. 13). Program components were to include:

a. coordinated case-finding

b. evaluation of the families and development of a treatment plan, in cooperation with the State Division of Family and Children's Services

c. referrals to community resources

d. recruitment, training, and supervision of Native Alaskan family aides who would work closely with the parents

e. training regarding child abuse and neglect for professionals

f. training in Native Alaskan culture for non-Native Alaskan professionals

g. coordination of services

h. supplemental services (day care) and parent education

i. recruitment of Native Alaskan foster homes

j. development of profiles of Native Alaskan high-risk families

k. research dissemination (Cook Inlet Native Association, 1975, pp. 12-26)

6. Developing a Community of Child Care and Concern for Urban Native American Children and Families
University of Minnesota, Center for Urban and Regional Affairs
Minneapolis, Minnesota

The University of Minnesota Center for Urban and Regional Affairs has received funding for a child abuse and neglect project for the American Indian community of Greater Minneapolis. The basic mechanism is to be the use of existing Indian child welfare and family service centers with linkages to existing community family and child welfare agencies. The personnel are to include fifteen Indian "family advocates" and five graduate school interns trained in case management and counseling. In addition to serving a liaison function, the project will identify what constitutes abuse and neglect in the Indian community and will attempt to determine its extent; will make legislative recommendations, for example, with regard to foster home licensing standards; and will operate a twenty-four hour shelter and service center with a special Week-end Center Program (University of Minnesota, 1975, pp. 1-11).

7. Child Abuse and Neglect Service Project
Montana Department of Social and Rehabilitation Services
Northern Cheyenne Reservation, Montana

The Montana Department of Social and Rehabilitation Services (SRS) was funded to establish a child abuse and neglect project on the Northern Cheyenne Indian Reservation. The project is to be administered by the Montana SRS in accordance with a written agreement with the Tribal Council. Protection will be provided to the child for the "purposes of maintaining family unity, avoidance of foster care placements, and the improvement in family functioning to prevent further abuse or neglect" (Montana Department of Social and Rehabilitation Services, 1975, p. 1). No protective services existed on the reservation at the time the proposal was written.

The project would apparently conform to current Montana SRS procedures, except that twenty-four hour crisis service would be provided; Indians would be sought to fill the social worker and clerical positions; and the project would be housed separately from local and district SRS programs (Montana Department of Social and Rehabilitation Services, 1975, pp. 1-46).

Alternative to Foster Care Program. This project of the Seattle Indian Center was funded for three years by the DHEW Region X Office of Child Development (Kelly, 1975). It was a residential treatment program, with families housed in an eleven-unit apartment building (staff offices and a day preschool occupied two apartments).

Problems of the project and its accomplishments are documented by the evaluator. A major difficulty was the assumption of the project that the parents needed child-management training, whereas the basic problem of the majority of parents was alcohol abuse. The approach had to be reoriented to counseling and referral services. There were also difficulties of obtaining referrals prior to removal of the child, so that in many cases the focus was changed to helping parents regain custody rather than preventing removal of the child.

The conclusion of the evaluator is that the program was successful in helping the families obtain services and commodities and in teaching them how social agencies operate and how to avoid further child separations. Treatment for alcohol problems was apparently not very successful. Long-term follow-up to judge the success of the program in keeping families together has not yet occurred.

Recommendations by the evaluator were that similar programs should center around an alcohol treatment program; have a job-placement component; have an outreach-casefinding staff; establish means for routine referrals by child placing agencies; be licensed as a receiving home; have resources for developing Indian foster homes; and have a component for helping families work out long-range plans for retaining custody.

Given these changes or additions to the model, the evaluator believes that similar programs have enormous promise "both as a means to avert child separation and as a means of assisting families to regain custody of separated children" (Ishisaka, 1975, p. 89).

Devils Lake Sioux Child-Parent Development Center. In 1968, the Devils Lake Sioux Tribe in North Dakota protested the removal of its children from the reservation by county welfare workers and their placement in non-Indian homes. Six members of the tribe flew to New York with the help of the Association on American Indian Affairs, and held a press conference. They also met with officials of DHEW and the BIA in Washington, and as a result, in late 1968 the Children's Bureau of DHEW reviewed the situation (Garrett, 1969, pp. 1-2; Association on American Indian Affairs, 1972, pp. 3-4). The recommendations resulting from the review included one "for a long-term project for the development of human resources and community strengths" on the reservation in which tribal members would have "real, not superficial involvement." The project was envisioned as having a community development focus as well as a family and child welfare component (Garrett, 1969, pp. 7-8).

One result was the establishment in July 1970 of the Child-Parent Development Center with an emphasis on a positive program of family development in addition to reconstituting broken families. The Center provided both inpatient and outpatient services, with inpatient families residing in mobile homes at the Center for two or three months. Outpatient services were "primarily preventive," consisting of "informal home visits by professional and paraprofessional staff." Outpatient families also participated in activities at the Center. Selection of families was made by the Tribal Welfare Board upon referral from BIA social workers, county social workers, or the tribal judge (Devils Lake Sioux Tribe, 1973).

An evaluation conducted during the second year of the project found that in spite of the start-up problems common to unique programs, good progress was being made in establishing the Center. There had not been time for long-term follow-up evaluation to determine the ultimate success of this approach (M. Taylor, 1972).

Private Indian Child Welfare Organizations. Officials of two private Indian child welfare associations testified at the 1974 Senate hearings on Indian child welfare. Although additional details about these programs are not available in the literature, they will be surveyed as part of the present project.

The American Indian Child Placement and Development Program of Milwaukee, Wisconsin was incorporated in 1973 for the purpose of halting the practice of placing Wisconsin Indian children in non-Indian homes. The program works with the natural parents and/or extended family to keep the families intact (Indian child welfare hearings, 1974, pp. 162-175).

The Native American Child Protection Council is a nonprofit organization located in Detroit with a membership of fifty families throughout the Michigan area. Activities have included recruiting Indian foster homes; providing families with counseling, physical necessities, transportation, and legal assistance to help them keep or regain their children; and providing training for existing non-Indian homes with Indian foster children (Indian child welfare hearings, 1974, pp. 159-161).

Early Childhood Programs

Pine Ridge Parent-Child Center. During FY 1969 three centers were established by the Oglala Sioux Tribe with funding from the Office of Economic Opportunity. (Thirty-six experimental

programs were funded nationwide, with Pine Ridge in South Dakota being the only program on an Indian reservation.) Each center was staffed by a community services coordinator, a secretary/receptionist, a driver/janitor/emergency vehicle operator, a day care supervisor (a licensed practical nurse), and four day care aides. The centers were to be overseen by a policy advisory committee of community people.

The programs were to include day care for children age three and under (pre-Head Start), a child care and development learning laboratory for parents, courses for other family members, arts and crafts workshops, and social events. Medical services for the children were arranged with the Public Health Service (Oglala Sioux Tribe, 1969, pp. 1-3).

Choctaw Home-Centered Family Education Demonstration Project. The Mississippi Band of Choctaw Indians, Philadelphia, Mississippi, operates a home-centered family education demonstration project, with funding for four years by the Office of Child Development (DHEW). The purpose of the project is to enhance "the learning environment for Choctaw children, ages birth through four, using the parent or near-relative as teacher." This has been accomplished primarily through home visitations, although workshops were added later in the project. Learning materials made in these workshops from household items and scrap materials were coordinated with training for their use during the home visits. The home visitors received biweekly training sessions in the areas of instructional strategies, recordkeeping, and the use of instruments for evaluating the children's progress (Quigley, 1975).

Although the orientation of this project was toward development of cognitive skills in the children, it demonstrated the feasibility of home-centered supplemental instruction to Indian mothers in child-rearing skills.

Project Palatisha of the Confederated Tribes and Bands of the Yakima Indian Nation. Project Palatisha is operated by the Yakima Tribe with funding from the Bureau of Education for the Handicapped, Office of Education (DHEW). During FY 1975 this project directly served twenty-nine children in both classroom and home settings and provided screening for over one hundred Head Start or day care children as well as providing consultation and training to local Head Start programs for children identified as needing special services (Walker, 1975; Rosendorf, 1974).

Parents participated in the home programs, conferences with staff, and volunteering or observing in the classroom. The report states, "These home visits constitute a training program

for parents as well as a completion of objectives for the children" (Walker, 1975, pages not numbered). Again, this is a project which has been involved in parent effectiveness training with success.

Pride in Indian Heritage for Preschool Children. In 1973-74 the North American Indian Alliance of Butte, Montana operated a project, Pride in Indian Heritage, with funding from the Office of Child Development (DHEW). The purposes of the project were to enhance urban Indian children's awareness of their heritage and sensitize preschool personnel to the uniqueness of their Indian students. The staff of the project (five part-time Native American Studies Specialists) participated in fifty-eight preschool, kindergarten, and early elementary classes per week during the project year. They taught various aspects of Indian culture (dancing, arts and crafts, food) to all children in these classes (non-Indian as well as Indian). They also participated in a number of other activities in Butte, such as displays in shopping malls. Indian resource people were used in addition to the staff.

The project was so well received that staff members had more requests for presentations than they could fill. With regard to effects on the children, staff members noted that many Indian children who in September denied being Indian were boasting of it by June (Carlson, 1974).

Ute Tribe Nursery School. This nursery school was planned and entirely financed by the Ute Indian Tribe of the Uintah-Ouray Indian Reservation, Fort Duchesne, Utah, in the mid-1960s. A published article by the director described the progress made by the children in amount of verbalization, vocabulary, muscle skills, attention span, and positive self-concept (Clark, 1965).

Substitute Care Programs

One innovative approach is represented by a formal agreement between the BIA Blackfeet Agency and the Blackfeet Tribal Court of Indian Offenses to establish procedures and guidelines for child neglect and dependency custody action (BIA, Blackfeet Agency, 1970). Other new program emphases described below involve increased efforts to establish Indian foster and adoptive homes.

Foster Care. In 1973 the Cherokee Foster Parents Association of the Cherokee Reservation in North Carolina was chosen as one of six sites nationwide to establish demonstration action committees to work for improvements in foster care services.

The activities of the Cherokee group, aimed at developing more Indian foster homes, included production of two films ("A New Beginning for Cherokee Children" and "Cherokee Indian Action for Foster Children"), informative fund-raising activities, and sponsorship of a three-day workshop on child welfare. The workshop attracted professionals from all over the state and is thought to be responsible for improved communication with county welfare workers serving the reservation and for their expanded efforts at recruiting Indian foster families (DHEW, Office of Human Development, 1973, pp. 68-70).

The Tuba City Agency of the BIA has pursued the development of Navajo foster homes since the late 1960s, according to a report published in Child Welfare. The supervisory social worker at this agency maintains that recruitment of Navajo foster parents has not been difficult, and that physical standards for the homes are not considered important. The qualities used for selection are "physical health, concern for children, a wholesome family atmosphere, ability to deal with problems, and willingness to accept placement as a temporary plan" (Lacy, 1975, p. 127).

Adoption. The CSRD field study of child welfare services, conducted in 1975, found several new approaches to the adoption of Indian children. First, a number of tribes stated that they were currently doing adoptions and felt a need to codify procedures. Second, a P.L. 280 state, Washington, has incorporated procedures in the state child welfare manual specifying that thirty days shall be spent seeking an adoptive family within the same tribe as the child, and if not successful shall spend another thirty days seeking a family within a similar tribe.

Third is the Indian Adoption Project funded by the BIA and carried out under the auspices of the Phoenix Jewish Family and Children's Services. The project has an Indian caseworker and provides adoptive services which are congruent with Indian family patterns and practices to Indian children and families throughout Arizona (CSRD, 1975a, pp. 47-48).

Group Home Care. The Confederated Tribes of the Warm Springs Reservation in Oregon established a group home for Indian youth which included a program of outreach family counseling to keep the parents involved. From the time the program was begun in January 1973 to April 1974 only one child was placed off the reservation in a non-Indian home, and 246 children were placed in the group home. Most of these children were either returned to their parents with outpatient follow-up or were placed in tribal foster homes. The existence of the facility has also reduced the number of children detained in the tribal jail (Indian child welfare hearings, 1974, pp. 101-103).

Boarding Schools. One BIA boarding school, the Rough Rock Community School, is completely run by the Navajo Tribe. The emphasis of the school is on bicultural education and preserving Navajo traditions; the community in which it is located supports the school and is involved with it ("Evaluation Report," 1972). A BIA evaluation of out-of-class activities found that Rough Rock rated better than the best BIA-run boarding school evaluated to that date, although some student problems were still evident, and views this achievement as a "reflection of strong community input" (BIA, Navajo Area Office, 1974, p. 39).

General Social Services

Several projects have demonstrated the increased effectiveness of social service delivery systems for Indians when the programs are staffed by Indians, both professional and paraprofessional, and when the local Indian community is involved in the development of the program. Four such programs were funded as 1115 research and demonstration grants by the Social and Rehabilitation Service of DHEW. These included the Rural Areas Social Services Project in Alaska which began in 1968 (Feldman, n.d.); the Lummi Indian Demonstration Project in the state of Washington (Carlile and Clement, 1973); the Pilot Project to Develop Methods of Community Organization and Information Systems which will Contribute Toward the Social and Vocational Rehabilitation of Indians Handicapped by Economic, Cultural and Social Deprivation, Inter-Tribal Council of Nevada (Dressler and Rusco, 1970); and a project on the Navajo Reservation between 1966 and 1970 entitled "Better Welfare Programs for Navajo Indians" (Hendricks, 1970).

All of these projects were found to be successful in improving communication with clients and increasing the use of services by the Indian population. A common problem was the lack of training provided by the projects for the Indian paraprofessional staff, although this was felt to be a problem that could be remedied and one which was outweighed by the benefits of using staff from the local tribe.

A fifth 1115 project funded on an Indian reservation was the Multi-Problem Family Program, started in 1973 on the Warm Springs Reservation. This project, which provided direct services and referral services to families facing a variety of incapacitating problems, had impacts on the child welfare problems of the Warm Springs Reservation population. It was found that child neglect and abandonment referrals dropped and that there was "a dramatic decline of Indian children in foster and shelter care placement who were in the care and custody of the State Children's Services Division" (Williams and Nicholls, 1974, p. 7).

CHAPTER 7

SUMMARY: STATE OF KNOWLEDGE ABOUT INDIAN CHILD WELFARE

This chapter will focus on assessing, for each of the major issues discussed in the literature review, the extent and quality of documentation for the statements found in the literature. If data are available which are consistent and conclusive, implications will be drawn. If no data are available, or if the existing data are not adequate, areas in which further research is needed will be pointed out. It should be recognized, however, that very recent research or events in the field will not have been reported in the literature published to date.

As noted in chapter 1, many of the sources reviewed for this report are not what is usually considered "published" literature, and many do not consist of scientifically planned and executed research. Most of the written material about Indian child welfare consists of project reports, Congressional testimony, memoranda and correspondence, and other unpublished materials. The decision as to whether or not the evidence for particular statements in this literature is conclusive and consistent is therefore judgmental in nature. A general problem with public statements on issues is that it is usually extreme cases which are noticed and reported. In the case of child welfare services to Indians, information on the normal state of affairs on a spectrum of reservations has been available in published form only since the publication of the CSRD field study in August 1975.

Current Child Welfare Services System

The actual services provided to Indian people, both on and off reservation, have not been documented. The recent CSRD study approached this lack of knowledge through its field survey of patterns of service delivery on ten reservations. The present CSRD study will increase the number of reservations to be surveyed, add field sites in urban and other off-reservation areas, include private agencies (which were excluded from the previous study), and examine a wider range of child welfare services. This new study will be a major step in discovering what child welfare services are provided by

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which agencies in actual practice, how these agencies interface, and what gaps and problems are common in the delivery of child welfare services to Indians.

However, it will still be true that no national data exist which document the total extent of child welfare services to Indians. While the BIA, as a federal agency, does maintain national data for its activities on reservations, many states do not make social services data available by race, and many tribes and private agencies do not keep available statistical records and/or do not have a central reporting system.

Legal/Jurisdictional Problems in Service Delivery

This area has been fairly well documented by the CSRD field study of ten reservations and companion review of legislation, legal memoranda, and case law (CSRD, 1975b). The report concluded that there are three major, recurring legal and jurisdictional problems in the delivery of SRS child welfare services on reservations: (1) conflicting legal interpretations about the roles and responsibilities of state or county offices in providing child welfare services on reservations; (2) state rulings that the state cannot license facilities on reservations; and (3) reluctance of some state courts and state institutions to honor tribal court orders. The study found broad support for direct operation of child welfare services by tribal governments, either through state-tribal contracting or through direct federal-tribal funding. The latter alternative would require amendments to the Social Security Act. With regard to the issue of licensing, the study found that federal clarifying legislation may be needed, as states are currently dealing with this problem on a state-by-state basis. The recognition of tribal court orders by states will probably become an issue of increasing importance as tribes begin to control more and more aspects of child welfare on reservations. While some state courts have upheld tribal court orders and state social workers are generally respecting tribal sovereignty by taking child welfare matters to tribal courts, it may be that an overall solution of the problem will have to come from a U.S. Supreme Court ruling.

Cultural Appropriateness of Traditional Social Work Techniques

Various people in the field of social work, both Indian and non-Indian, have discussed problems they have encountered in social work practice with Indians. These findings are

not documented by scientific studies, but are based on personal experience. Presumably, most of the issues raised could be subjected to research, and alternative techniques more in harmony with Indian culture could be tested to discover whether they are indeed more effective.

For example, one problem raised by the sources, that the concept of social work intervention itself is in opposition to Indian values of noninterference, presumably cannot be dealt with except by the elimination of social work (especially casework) for Indian peoples. On the other hand, the need for rehabilitative services for Indian families has been expressed by many people, as described in chapter 5. The family services programs described in chapter 6 could provide ample opportunities for experimenting with innovative intervention techniques which might be more readily accepted by Indian people.

Extent of Indian Participation

The lack of Indian participation in the provision of all human services has been fairly well documented, although there are no national statistics about the number of Indians working in state, county, or private social service agencies.

The effects of increased participation in recent programs which are controlled by Indian groups and/or staffed by Indian professionals and paraprofessionals have not yet been studied, in part because the programs are so new. However, the evaluations and project reports for those that have been in existence for several years suggest some common findings. First, the projects have been plagued by organizational difficulties often due to a lack of administrative training on the part of persons running the program. These problems could probably be avoided by the provision of more technical assistance by funding agencies. A second common problem is that the Indian paraprofessionals used were sometimes not given enough training to carry out their responsibilities. The Choctaw Home-Centered project did provide extensive and continuing training for its "home visitors" and was evidently successful. Most of the recent child abuse and neglect programs stated in their proposals that such training would be given.

In spite of problems due to lack of training, most of the projects have found that outreach and communication are improved and that service utilization is increased due

to the use of Indian staff. These improvements might be expected to result in increased effectiveness of services, but systematic and long-term evaluation efforts will be needed to document actual impacts.

Services to Urban Indians

While the problems of urban Indians in obtaining social services are fairly well documented, the provision of child welfare services to them is not. The present CSRD study will include field research in four urban areas and a survey of Indian households in one urban area, and will therefore provide the first data on child welfare services for urban Indians.

Several of the proposals for family services to Indians in urban areas described the difficulties of urban Indians in obtaining services due to unfamiliarity with existing agencies and their procedures. Referral services and client advocacy were thus an important part of these programs. The success of this approach has only been documented for one project--the Alternative to Foster Care Project in Seattle. As other programs are established and are operational for several years, this finding should be tested further.

Preventive Services vs. Substitute Services

There are many statements in the literature that protective services for Indian children have usually consisted of removal of the child from the home rather than rehabilitative services to help the family stay together. There are, however, apparently no hard data on the extent of this practice. Such data would be useful not only from the standpoint of documenting the problem, but also as baseline data against which to measure the impact of new programs oriented to prevention or treatment rather than removal of children from their families.

However, the evidence is substantial enough that the implementation of preventive and rehabilitative services should not be delayed until data become available. In addition to the agreement in the sources cited that such services are lacking for Indians, the current CWLA position is that the emphasis of all child welfare agencies is and should be changing from out-of-home placement to provision of services oriented to keeping families intact.

Volume of Out-of-Home Placements

As discussed in chapter 5, there has been no widely-accepted national study of the volume of placements of Indian children or whether this volume has changed in response to organized tribal opposition. The fragmentary available evidence does suggest, however, that the placement rates for Indian children are much higher than for non-Indian children.

The large volume of placements of Indian children has become a cause for alarm primarily because of harmful effects on the child and on the parents. These harmful effects have not been thoroughly studied in the Indian population, although it can be assumed that findings from the general population are also applicable to Indian children.

In addition to resulting in undesirable trauma for children and parents, a majority of the instances of out-of-home placements are alleged to be unnecessary. The lack of services which might prevent placements has been discussed above. Another point made by critics has been that the application of culturally-biased standards in determining cases of neglect has resulted in the removal of children from homes that were not actually harmful to them. (Several sources state that cases of child abuse by Indian parents, as distinguished from neglect, are rare, although statistics on this point are apparently unavailable.)

In considering what is best for the child, the fairly certain harmful effects of removal must be balanced against the guessed-at effects of leaving the child in the home situation. Indian groups have not denied that there are some situations where out-of-home placement may be necessary; they have asked instead that Indians be allowed to make the decisions. As the fact that there are differences between traditional Indian child care practices and Anglo child care practices has been documented by numerous studies, these requests seem to present a reasonable solution to the problem of unnecessary out-of-home placements. The use of tribal committees for determining the necessity of removing the child from the home is a component of some child abuse and neglect research and demonstration projects.

Placements in Non-Indian Homes

The placement of large numbers of Indian children in non-Indian homes is fairly well documented and is generally not disputed by providers of child welfare services to Indians. The long-term results of such placements have not been thoroughly

studied, however. It is undeniable that such placements undermine the retention of traditional tribal cultures. The long-range (adolescent and adult) psychological effects on individual children have not been studied systematically, but several authorities assert that they are negative. Again, as with the issue of removal from the home, placement decisions are supposedly made on the basis of what environment will be best for the child, yet the research to support such decisions has not been conducted.

One cause of the high proportion of Indian children placed in non-Indian homes is the lack of available Indian foster and adoptive families. There are several reasons for this lack, including the minimal attention that has been given by most agencies to recruiting Indian families, the financial barriers to becoming a foster or adoptive family, and the fact that Indian homes often do not meet physical standards required by placement agencies. These problems are recognized by all concerned, and are apparently not in need of further research. Moves have recently been made by providers of child welfare services for Indians and by Indian groups to recruit more Indian foster and adoptive families, remove financial barriers, and develop more appropriate standards for Indian foster and adoptive homes.

BIA Boarding Schools

The inadequacy of out-of-class activities and facilities at BIA boarding schools, in particular the lack of trained counseling staff, has been very well documented. A recent BIA assessment found that, although hampered by inadequate funding, the BIA area offices are attempting to remedy the problems. This finding suggests that funding is the major barrier yet to be overcome.

Whether or not the BIA boarding school system should be continued at all is another issue found in the literature. The belief has been expressed that the system will be maintained in the foreseeable future for economic reasons. However, as the cost of providing adequate services at the schools is discovered, it may be that boarding schools will no longer be viewed as the most cost-effective means of providing educational and child welfare service for Indian children.

Innovative Programs

Several innovative projects in Indian child welfare are described in chapter 6. These projects focus on prevention and rehabilitation rather than on removal and placement of the child, and most of them are planned and controlled by Indian tribes or other Indian organizations.

A common characteristic of most of these programs is that they are federal research and demonstration projects which are funded for a limited time, usually three years. After the federal R&D funding is withdrawn, other funds must be found in order for the projects to continue. Several projects are known to have been dismantled completely even though they were successful in improving service delivery methods while the funding lasted.

Aside from research and demonstration grants, limited funds are available to tribes and other Indian organizations in the field of child welfare through Head Start, the Comprehensive Employment and Training Act, core grants from the Office of Native American Programs, and federal-state Title XX funds. However, tribes may soon begin to operate more social service and child welfare programs, pursuant to the Indian Self-Determination Act of 1975, which provides for tribes to contract for operation of BIA programs. Indian use of Title XX funds may also be expanding, although there are difficulties with this approach.

Overview

Although many specific issues with regard to the current system of child welfare services for Indians have not been thoroughly studied, it is clear from this review of the literature that problems do exist, to a greater or lesser extent. Some of of these problems are unique to Indian people and some are not. General solutions suggested in the literature include increased funding for improvement of some existing programs and creation of new ones, particularly those oriented to prevention and rehabilitation; establishment of programs under tribal control or with greatly expanded numbers of Indian staffing at all levels; and changes in federal or state legislation and agency regulations to clarify procedural and jurisdictional matters and to make increased tribal control possible. Some moves are already being made in all of these areas, but it is apparent from the literature reviewed that a great deal remains to be accomplished.

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